

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88290 of 2024

Arising Out of PS. Case No.-235 Year-2024 Thana- RAHIKA District- Madhubani

Sunil Kumar Singh @ Sunil Singh Son of Late Tapeswar Singh Resident of
Vill- Dumari Rajput Tola, P.S.- Rahika, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Rahika P.S. Case No. 235 of 2024, corresponding to G. R. No. 1506 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, 142.200 litre Nepali liquor was recovered from orchard of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. He further submits that place of recovery is an open place which is accessible to all and petitioner cannot be held liable for the



alleged recovery. He further submits that the alleged recovery has been made at 8:30 PM and local chaukidar identified the petitioner in the darkness in running condition which is totally not pragmatic in the light of the facts and circumstances of the case. No independent witness of the seizure list has been made. Petitioner bears no criminal antecedent. He was not found at the place of occurrence. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, 2nd cum Special Judge, Excise Act,



Madhubani in connection with Rahika P.S. Case No. 235 of 2024, corresponding to G.R. No. 1506 of 2024 subject to the conditions as laid down under Section 482 of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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