

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84388 of 2025

Arising Out of PS. Case No.-207 Year-2025 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Vijay Shankar Singh @ Vijay Singh, S/o Late Rambahadur Singh, R/o Ward
No. 07, Naokothi, P.S.- Naokothi, Begusarai, Bihar- 851130

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-12-2025 Heard Mr. Piyush Kumar Pandey, learned counsel

for the petitioner and Mr. Dr. Kumar Uday Pratap, learned APP

for the State.

2. The petitioner apprehends his arrest in connection
with Naokothi/Nawkothe P.S. Case No. 207 of 2025 dated
18.10.2025 registered for the offences punishable under sections
30(a), 30(c) & 30(d) of the Bihar Prohibition & Excise Act (in
short, 'Excise Act').

3. The main submissions advanced by petitioner's
counsel are that the recovery of the alleged liquor is said to have
been made from the *dera* of the petitioner, which is an open space
in a farm land, and the same is jointly owned by petitioner's
family members and no incriminating material has been



recovered from the petitioner's conscious possession and the petitioner has been falsely implicated in the present matter on account of having strained relation with the village *chowkidar* and his neighbours and in this regard, specific statement has been made in the paragraph No. 10 of the petition and except this, there is nothing to show the petitioner's involvement in the recovery of the alleged liquor. It is further submitted that there is a violation of section 103 of the BNSS by the police in this matter and the petitioner's past history is completely clean, so, in the light of these circumstances, the alleged offences of the Excise Act, under which the FIR has been registered, do not attract even *prima facie* against the petitioner, so, his prayer is not hit by the provisions of section 76(2) of the Excise Act.

4. Though learned APP for the State has opposed the prayer of the petitioner but he has not been able to rebut the petitioner's aforesaid submissions.

5. In the facts and circumstances of this case and mainly considering the above stated facts and the petitioner's fair and clean antecedent, this Court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail



bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Naokothi/Nawkothe P.S. Case No. 207 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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