

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1987 of 2025

Arising Out of PS. Case No.-397 Year-2024 Thana- NAGAR District- Vaishali

Himanshu Raj, S/o Kamlesh Sharma @ Kamlesh Kumar Sharma R/o Village-
Tangaul, P.S.- Hajipur Town, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 05-02-2025 1. Heard Mr. Manish Chandra Gandhi, learned
counsel for the petitioner and Mr. Rana Randhir Singh, learned
APP for the State.
2. The petitioner apprehends his arrest in connection
with Hajipur Town P.S. Case No. 397 of 2024 dated 08.06.2024
registered for the offences punishable under Sections 30 (a) and
32 of the Bihar Prohibition and Excise (Amendment) Act.
3. The main submissions advanced by petitioner's
counsel are that the instant matter relates to the recovery of
35.940 litres of foreign liquor from an Alto car bearing
registration no. HR55Y-8209 but the petitioner is neither the
owner of the said vehicle nor did he hire the vehicle at the
relevant time of the recovery and the basis of implicating this
petitioner in the transportation of the alleged liquor is only a



secret information which is said to have been received by the S.H.O. of concerned police station and the same cannot be treated as a valid ground to make one an accused in Excise matter, if such practice is allowed, then several innocent persons may be made accused by the police and further the petitioner has fair and clean antecedent and his past conduct also does not rise a presumption in favour of the prosecution with regard to his involvement in smuggling of liquor, so, in view of these circumstances, the alleged offences under Sections 30 (a) and 32 of the Bihar Prohibition and Excise (Amendment) Act, under which the FIR has been registered, do not even *prima facie* attract against the petitioner and thus, his prayer is not hit by the provision of Section 76(2) of Excise Act.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions made by petitioner's counsel, 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/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Hajipur Town P.S. Case No. 397 of 2024 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, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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