

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9061 of 2026

Arising Out of PS. Case No.-254 Year-2024 Thana- SUPPI District- Sitamarhi

Raj Kumar S/o- Rabindra Prasad @ Ravindra Prasad Village- Shitalpur,
Sirsapatti, ward no. 12, P.S. -Chakia @ Chakiya, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-02-2026 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Suppi P.S. Case No. 254 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 21.00 litre Nepali liquor was recovered from the motorcycle in question and co-accused Kanchan Kumar was apprehended at the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the F.I.R. and he has falsely been implicated in this case due to village politics and ulterior motive. He further submits that



petitioner is not named in the F.I.R. and the alleged recovery has been made from the possession of co-accused Kanchan Kumar. He further submits that petitioner was not found at the place of occurrence and nothing has been recovered from the conscious possession of the petitioner. The name of the petitioner cropped during the course of investigation as the as he is the owner of the motorcycle in question. It is further submitted that the motorcycle was borrowed by co-accused for personal work and the same has been misused and petitioner had no knowledge regarding carrying of illicit liquor. There is no material on record to demonstrate the complicity of the petitioner with the alleged 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 the Bihar Prohibition and Excise Act. Apart from that petitioner having no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that the alleged recovery of liquor has been made from the motorcycle in question and hence, he cannot escape from the allegation made in the F.I.R.

6. Considering the facts and circumstances of the



case, petitioner was not found at the place of occurrence, nothing has been recovered from the conscious possession of the petitioner, 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 Exclusive Special Excise Court No.-01, Sitamarhi in connection with Suppi P.S. Case No. 254 of 2024, subject to the conditions as laid down under Section 482(2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

Nilmani/-

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