

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9109 of 2026

Arising Out of PS. Case No.-406 Year-2025 Thana- SULTANGANJ District- Bhagalpur

Bittu Kumar @ Ansh Raj Son of Ajay Mandal Resident of Village- Mirja
Gaun, P.S.- Sultanganj, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Sharma, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, 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 Sultanganj P.S. Case No. 406 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, on the basis of secret information 5.25 litre illicit English wine was recovered from the bush behind the back side of the house of the petitioner which was kept concealed under the earth in a plastic bag.

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 just



because the petitioner is having one criminal antecedent. 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. He further submits that place of recovery is an open place and same is accessible to all and petitioner cannot be held responsible for the alleged recovery. He further submits that source of secret information has not been disclosed in the FIR, which questions the authenticity of the F.I.R. There is no independent witness to the seizure list except the police officials and the mandatory procedure under law has not been followed. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner as alleged in the F.I.R.

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 English wine has been made from behind the house of the petitioner 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, 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 District and Additional Sessions Judge-12-cum-Special Excise Judge-2, Bhagalpur in connection with Sultanganj P.S. Case No. 406 of 2025, 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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