

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9133 of 2026

Arising Out of PS. Case No.-1368 Year-2025 Thana- Excise P.S. District- Purnia

Kuldeep Sharma S/O Anand Sharma R/O Village- Birpur Lokhada ward no. 08, P.S- Muffasil, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Akbar Ali, 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 Excise P.S. Case No. 1368 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, on the basis of secret information, 7.500 litre illicit foreign liquor was recovered from behind the house of the petitioner concealed beneath the earth under a tin shed roof and nearby people disclosed the name of petitioner who fled away from the spot.

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 due to ulterior motive. 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. 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. Apart from that petitioner is 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 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, 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 Judge (Excise 02), Purnea in connection with Excise P.S. Case No. 1368 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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