

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8695 of 2026

Arising Out of PS. Case No.-257 Year-2025 Thana- BARGAINIA District- Sitamarhi

Santosh Kumar S/o- Ravi Rai R/v- Masha Alam Ps- Bairganiya Dist-
Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dwij Raj, Adv.
For the State : Md. Mushtaque Alam, APP

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 Bairgania P.S. Case No. 257 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, there is total recovery of 288 litre country made *Nepali* liquor from two motorcycles in question and apprehended co-accused Shyambabu Yadav disclosed the name of petitioner and others, 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. He further submits that petitioner bears criminal



antecedent of three cases in which he is on bail. He further submits that except disclosure of apprehended co-accused Shyambabu Yadav, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner is not owner of the seized motorcycles in question. He further submits that nothing has been recovered from conscious possession of the petitioner. Petitioner was not found at the place of occurrence. Petitioner has no concern with the seized liquor. 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.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that name of petitioner finds place in the FIR and hence, petitioner cannot escape from the allegation made in the FIR.

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 Exclusive Special, Excise Court No. 1, Sitamarhi in connection with Bairgania P.S. Case No. 257 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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