

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9409 of 2026

Arising Out of PS. Case No.-393 Year-2025 Thana- PARBATTI District- Khagaria

Rohit Kumar S/o Hareram Mandal R/o Village- Kajjalwan, Ward No.17, P.S-
Parbatta, Dist- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Parbatta P.S. Case No. 393 of 2025 dated 19.10.2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, on secret information the informant proceeded to Kajjalwan Ghat and during search total 50 liters of country-made liquor and one mobile phone were recovered from the bushes and the local *chowkidar* disclosed the name of the petitioner, who allegedly fled away from 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. 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 the place of recovery is an open place and same is accessible to all and petitioner cannot be held liable for the alleged recovery. It is submitted that the petitioner has no concern whatsoever with the alleged illicit liquor or the mobile phone said to have been recovered. He further submits that the local *chaukidar* has falsely implicated the petitioner in the present case because of criminal antecedent of one case in which he is already on bail, without any basis and except suspicion there is nothing on record to connect the present petitioner with the alleged occurrence. Seizure list has not been made as per law. In the light of the aforesaid facts and circumstances of the case, petitioner cannot be held liable for the same and no offence is made out as alleged in the F.I.R. against the petitioner.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that the petitioner is F.I.R. named accused 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 Exclusive Special Excise Judge-II, Khagaria in connection with Parbatta P.S. Case No. 393 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

Nilmani/-

U		T	
---	--	---	--

