

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9092 of 2026

Arising Out of PS. Case No.-141 Year-2025 Thana- PUSA District- Samastipur

Shivanand Gandhi @ Gandhi S/o- Shyam Kumar Singh @ Shyam Kumar
Suman R/v- Thahra, Ps- Waini Dist- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hemant Ray, Advocate
		Mr. Sagar Kumar, Advocate
For the Opposite Party/s	:	Mr. Braj Kishore Pd.(APP)

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 Pusa P.S. Case No. 141/2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, on the basis of secret information, 355.5 liters foreign liquor was recovered from Mahindra car in question and the petitioner and others were 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 FIR. The petitioner bears three criminal antecedents in



which he is on bail. Name of the petitioner has been transpired in this case on the basis of secret information and the source of secret information has not been divulged in the FIR, which questions the authenticity of the FIR and the petitioner cannot be held liable for the alleged recovery. The petitioner was not found at the place of occurrence. No incriminating article has been recovered from the possession of the petitioner. The petitioner has no concern with the seized liquor. He further submits that the petitioner is neither the owner nor the driver of the said vehicle. He further submits that the petitioner has roped in a case one after another in a routine manner without any basis. There is no compliance of Section 103 of the B.N.S.S. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition of Excise Act.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner and submitted that the petitioner is FIR named accused and he cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, petitioner was not the owner of the said car, 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 Court of learned Special Judge Excise-1, Samastipur in connection with Pusa P.S. Case No. 141/2025, 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)

amitkumar/-

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

