

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1963 of 2025

Arising Out of PS. Case No.-342 Year-2024 Thana- BETTIAH CITY District- West
Champaran

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SANDEEP KUMAR @ DHANRAJ YADAV S/O DINA YADAV R/o vill -
Laukariya, ward no. 16, P.S. - Bairiya, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap,Adv.
For the Opposite Party/s : Mrs. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 05-02-2025 Heard Mr. Sarvesh Kashyap, learned counsel for the

petitioner and Mrs. Meena Singh, learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Bettiah Town P.S. Case No. 342/ 2024 dated 24.07.2024
registered for the offence(s) punishable under Section(s) 30(a)
and 41(1) of the Bihar Prohibition & Excise Act.

3. As per the prosecution's case, 7.20 litres of foreign
liquor has been recovered from a motorcycle bearing
registration No. BR22BA3183 and it is alleged that the
aforesaid motorcycle was being used by this petitioner.

4. The main submissions advanced by petitioner's
counsel are that the petitioner has fair and clean antecedent, the
alleged motorcycle from which the alleged liquor was recovered



stands in the name of the petitioner's sister and not in the name of the petitioner, though, the petitioner was using the said motorcycle but on the alleged day and time of occurrence, the petitioner parked his motor cycle and went to meet his relative and after that someone placed the sack of liquor near the petitioner's motorcycle and then a false story was prepared by the police and no liquor was recovered from the motorcycle and witnesses of the prosecution are police personnel.

5. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

6. Heard both the sides and perused the FIR and the seizure memo. As per the prosecution's allegation, 7.20 litres of foreign liquor was recovered from the dickey of a motorcycle bearing registration No. BR22BA3183 and admittedly, the said motorcycle was being used by this petitioner and the circumstances appearing against this petitioner from the FIR, prima facie, attract the alleged offences of the Bihar Prohibition & Excise Act, so, considering this aspect and in view of section 76(2) of the Bihar Prohibition & Excise Act, this court finds the prayer of petitioner for anticipatory bail to be not fit for acceptance. Accordingly, his prayer stands rejected.

7. However, considering the fair and clean antecedent



of the petitioner, he is given a liberty to surrender before the trial court and if he avails the said liberty within two weeks from today then the trial court shall decide his regular bail prayer at the earliest according to merit without being prejudiced by this order.

(Shailendra Singh, J)

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