

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2979 of 2025

Arising Out of PS. Case No.-266 Year-2024 Thana- UJIYARPUR District- Samastipur

Joytish Kumar @ Jyotish Kumar, S/O Ramasish Singh @ Ramashish Singh,
R/O village - Chaita Lohagir, Police Station - Ujiyarpur, District –
Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Advocate

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-02-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Ujiyarpur P.S. Case No. 266 of 2024 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise (Amendment) Act. Petitioner has got one criminal antecedent as stated in paragraph '3' of the application, in which he is on bail.

3. The allegation against the petitioner is to have in possession of 7.750 litres of illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.



4. Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner has transpired in this case for the reason that he was found owner of the motorcycle bearing Registration No. BR33AL-8744, which was found involved in carrying 6.750 liters of illicit liquor. It is submitted that motorcycle was given to co-accused persons out of acquaintance and it was not under the knowledge of the petitioner that same may be used for carrying illicit liquor. It is pointed out that the liquor in issue was not recovered from conscious physical possession of this petitioner. While concluding argument, learned counsel submitted that petitioner found involved in one more criminal case of similar nature, where he is on bail.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions and by taking note of the fact as implication of the petitioner *prima-facie* appears only being owner of the motorcycle bearing



Registration No. BR33AL-8744, where it can be said safely that *prima-facie* no illicit liquor appears to be recovered from his conscious physical possession, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise - 1, Samastipur/concerned court in connection with Ujiyarpur P.S. Case No. 266 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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