

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 6157 of 2025

Arising Out of PS. Case No.-1152 Year-2024 Thana- AHIYAPUR District- Muzaffarpur

Manoj Singh @ Manoj Kumar S/o- Late Ram Lalit Singh village- Khanpur
Bajnathpur PS- Ahiyapur District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Adv

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 22-03-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Ahiyapur P.S Case No. 1152 of 2024 registered for the offence punishable under Section 30(a) and 41 of the Bihar Prohibition of Excise Act.

3. As per the prosecution case, on 25.08.2024 at about 16.00 hrs. the informant got a secret informant that a tempo which was parked beside the house of *Manoj Singh*, the police saw two persons fleeing away subsequently the police got to know that the tempo belonged to one *Manoj Singh* and the driver of the said Tempo is one *Sitaram Singh*. On being searched, total 648 litres of illicit foreign liquor was recovered from the said vehicle.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no concern with the alleged recovery. The petitioner is not the owner of the said seized vehicle and the same was not being driven by him at the time of the alleged recovery. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has one criminal antecedent as stated in para 3 of the bail petition.

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

6. Considering the aforesaid facts and circumstances of the case and the fact that the tempo from which total 648 foreign liquor has been recovered was seized from the house of one *Manoj Singh* who is not the petitioner and also the fact that the petitioner was not apprehended at the place of occurrence along with said seized liquor, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged 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 the learned court concerned, Muzaffarpur, in connection with Ahiyapur P.S Case No. 1152 of 2024, subject to the conditions as laid down under



Section 482(2) of the Bharitya Nagrik Suraksha Sanhita (B.N.S.S.).

7. However, the learned court below is directed to verify the ownership of the said seized Tempo (Bajaj Maxima CNG) through its Chassis Number and Engine Number and upon verification if it is found that the petitioner was the actual owner then this order would loose its effect.

8. Accordingly, the present application stands allowed.

(Sourendra Pandey, J)

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