

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11346 of 2025

Arising Out of PS. Case No.-52 Year-2021 Thana- GUTHANI District- Siwan

Brija Nand Sahani S/o Yogendra Mallah Resident Of Village- Tirbalua, Ps-
Guthani, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi

For the Opposite Party/s : Mr. Nityanand

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 28-03-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Guthani Police Station Case No. 52 of 2021, dated 02.03.2021, disclosing offences under Sections 30(a) of the Bihar Prohibition and Excise Act.
3. The prosecution case, as per the First Information Report, is that the police, on secret information that two persons were coming with illicit liquor from Miya Gundi, reached at the place of occurrence and intercepted and seized the motorcycle, bearing registration no. BR29-AK-4776, and apprehend the accused persons. When the police enquired, they disclosed their names as Sonu Kumar Gupta and Arman Sah. Upon search, the police recovered



total 32.40 liters of country made illicit liquor from the motorcycle.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case only because he happens to be the registered owner of the said motorcycle. He next submits that the motorcycle, from where illicit liquor has been recovered, has been given to his co-villager i.e. the arrested accused person, namely, Sonu Kumar Gupta, in good faith and the petitioner had not knowledge about the illicit liquor being kept therein. The petitioner has got no criminal antecedent.
5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner happens to be the registered owner of the motorcycle, which was given to the co-villager, namely, Sonu Kumar Gupta, in good faith, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/-



(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-1, Siwan, in connection with Guthani Police Station Case No. 52 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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