

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14946 of 2025**

Arising Out of PS. Case No.-241 Year-2024 Thana- JAYNAGAR District- Madhubani

Md. Anbarul @ Md. Anwarul Haque @ Md. Anwarul S/o Md. Shakur R/o  
Village- Khoir, Ward No 12, Raghuni Dehat, PS- Rajnagar, Distt- Madhubani  
(Bihar). ... .. Petitioner/s

Versus

The State of Bihar. ... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shivnandan Bharti, Advocate  
For the Opposite Party/s : Mr.Sucheta Yadav, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      02-04-2025                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned Additional Public Prosecutor appearing on  
  
behalf of the State.

2. The accused/petitioner is named in F.I.R. and  
apprehending his arrest in connection with Jaynagar P.S. Case No.  
241 of 2024, registered for the offences punishable under  
Sections 274, 275, 317(5), 3(5) of the BNS, 2023 & 30(a) of the  
Bihar Prohibition and Excise Act, 2022.

3. Accused/petitioner implicated with present case being  
owner of the motorcycle bearing registration no.  
MBLJAR028JGC20084, which found involved in carrying of illicit  
liquor, total of 90 litres.

4. Learned counsel appearing on behalf of the petitioner  
submitted that admittedly the motorcycle recovered in abandoned  
condition. It is pointed out that implication of petitioner is for only  
reason as he found registered owner of motorcycle, which found  
carrying illicit liquor. It is pointed out that petitioner provided this



motorcycle to one of his co-villager, who misused it for carrying illicit liquor, which was not in the knowledge of this petitioner and in view of same, it cannot be said that recovery of illicit liquor was made from conscious physical possession of this petitioner.

5. Learned APP opposed the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as recovery of illicit liquor *prima facie* not appears to be made from the conscious physical possession of this petitioner, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II cum Special Judge, Excise Act, Madhubani/concerned Court, where the case is pending in connection with Jaynagar P.S. Case No. 241 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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