

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13318 of 2025**

Arising Out of PS. Case No.-412 Year-2024 Thana- OBRA District- Aurangabad

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Rajgir Paswan S/o Ramjanam Paswan R/o Village- Daudnagar, Amrit bigha,
ward no 1, PS- Daudnagar, District- Aurangabad Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rupa Kumari, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-03-2025 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The present Cr. Misc. Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioner who apprehends his arrest in connection with Obra P.S. Case No. 412 of 2024 lodged on 22.09.2024, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, FIR has been lodged against one named accused person and owner of motorcycle. Total recovery of 50 litres of illicit liquor has been made which is the subject matter of the present case.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that petitioner has not been apprehended from the place of occurrence, rather his name has come in this case due to the reason that the alleged recovery has been made from a motorcycle which was registered in the name of petitioner. Counsel submits that petitioner had already sold the said motorcycle to other person which is annexed as Annexure-P/2, but unfortunately, the person who purchased the motorcycle has not transferred the owner book in his name. Counsel further submits that criminal antecedent of the petitioner is not clean as there is one case pending against him in which he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the said motorcycle from which recovery has been made is still running in the name of petitioner. Counsel further submits that from Annexure-P/2, it transpires that neither the purchaser, nor the seller and nor the witness have put any date on the said deed. It also transpires that the advocate who has verified the deed, has not given license number and the notary license is also not indicated. As such, Annexure-P/2 is not a reliable document.

6. In the present facts and circumstances, this Court is



not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

(Dr. Anshuman, J)

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