

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15149 of 2025

Arising Out of PS. Case No.-388 Year-2024 Thana- SONBERSA District- Sitamarhi

Manoj Sah Son of Late Shiyasharan Sah Resident of Village - Hanuman
Nagar Lalbandi Darbar Ward No.03, P.S. - Sonbarsa, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar
For the Opposite Party/s : Mr. Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 09-04-2025 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 Sonbarsa Police Station Case No. 388 of 2024, dated 05.12.2024, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018 (hereinafter referred to as ‘the Act’).
3. The prosecution case, as per the First Information Report, is that during patrolling the police got information that at village Mayurwa one person fell down from a motorcycle having two bags tied on it. Acting upon the same, the police reached at the place of occurrence and rescued the person with the help of people. Thereafter, the police searched the bags and recovered 30 liters of Nepali illicit



liquor from the Hero Honda Passion Pro Motorcycle having no registration, chassis or engine number. The accused person was then apprehended, who disclosed his name as Nitish Kumar and further disclosed that illicit liquor and the said motorcycle belongs to the petitioner, who had asked him to deliver illicit liquor.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on the basis of confessional statement of arrested accused person. He next submits that the motorcycle, in question, does not belong to the petitioner and illicit liquor has not been recovered from conscious possession of the petitioner and/or vehicle belonging to him. He further submits that the petitioner has no concern with the arrested accused person and nothing has come against the petitioner during the course of investigation. The petitioner has got no criminal antecedent.
5. Regards being had to the submission advanced by learned counsel for the parties and taking into consideration the fact that the petitioner has got no criminal antecedent and his name has transpired on the basis of confessional statement of the arrested accused person and



the petitioner is not the owner of the motorcycle, from where illicit liquor has been recovered, 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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court I, Sitamarhi, in connection with Sonbarsa Police Station Case No. 388 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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