

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21725 of 2025

Arising Out of PS. Case No.-4 Year-2025 Thana- BIHTA District- Patna

Manoj Kumar S/O Bhagrasan Prasad Resident of village - Koni Tola, P.S-
Bihta, District- Patna (in the F.I.R. resident of village - Ajma Nathani has
wrongly been mentioned)

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Bihta P.S. Case No. 04 of 2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to have in possession of 20 litres of illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner implicated in the



present case only being the registered owner of the motorcycle bearing registration no. BR01EZ-2733. It is submitted that out of acquaintance in good faith, the motorcycle in issue was taken by co-accused namely, Ritesh Kumar, who found involved in carrying of illicit liquor. It is submitted that conduct of co-accused was not in the knowledge of this petitioner and, therefore, it can be safely said that recovery of illicit liquor was not made from physical possession of this petitioner, who is a man of clean antecedent.

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

6. In view of the aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor *prima-facie* not appears to be made from conscious physical possession of this petitioner, who is a man of clean antecedent, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only)



with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur, Patna, in connection with Bihta P.S. Case No. 04 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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