

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26301 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- MADHUBAN District- East Champaran

Manoj Bhagat Son of Ramchandra Bhagat Resident of village - Jogauliya
Tola Nandiram Chhapra, P.S.- Madhuban, District - East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-05-2025 Learned counsel for the petitioner is permitted to
make necessary correction in para 11 of the petition during
course of the day.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner is apprehending his arrest in
connection with Madhuban P.S. Case No. 39 of 2025 registered
for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise Act.

4. As per prosecution case, 100 litre illicit country
made liquor was recovered from the Auto in question which was
being driven by co-accused Vijay Ram and he was apprehended
on the spot. Apprehended co-accused Vijay Ram disclosed the
name of the petitioner who fled away from the spot.



5. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. He further submits that except confessional statement of co-accused Vijay Ram, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner was not found on the place of occurrence. Alleged recovery has been made from auto in question and petitioner is not owner of the said auto. Petitioner has no concern with the seized liquor. No incriminating article has been recovered from conscious possession of the petitioner. Seizure list has not been made as per mandatory provision of Section 100(3) of BNSS. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act. Petitioner bears criminal antecedent of three cases in which he is on bail. He further submits that on account of criminal antecedent of the petitioner, he has been made accused in this case on suspicion.

6. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking



into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 3, Motihari, East Champaran in connection with Madhuban P.S. Case No. 39 of 2025, subject to the conditions as laid down under Section 482(2) of BNSS.

8. The application stands allowed.

(Alok Kumar Pandey, J)

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