

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26342 of 2025

Arising Out of PS. Case No.-142 Year-2024 Thana- ANTICHAK District- Bhagalpur

Bittu Pahadiya S/o- Late Lutan Pahadiya Ward No.1, Kutubpur Kasri P.S.
Kahalgaon District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya

For the Opposite Party/s : Mr.Rajendra 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 13 of the bail petition.

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 Antichak P.S. Case No.142 of 2024 registered
for the offences punishable under Section 30(a) of Bihar
Prohibition and Excise Act, 2018.

4. As per prosecution case, on the basis of secret
information it is found that illicit liquor was being carried from
motorcycle via Alipur more. Informant along with police official
arrived at the place of occurrence and seized the motorcycle. It
is alleged that co-accused threw the bag who was on the
motorcycle and managed to flee away from the place of



occurrence. It is alleged that 30 litre illicit liquor was recovered from the said bag.

5. Learned counsel for the petitioner orally submits that petitioner is not named in the FIR and his name has been transpired in the present case as owner of the motorcycle bearing registration no. BR-10AL-4461. Nothing has been recovered from the said motorcycle rather recovery was made from the bag. He further submits that petitioner has parked his motorcycle in the field and has been looking after the irrigation work and on the basis of suspicion police has seized the motorcycle in question and petitioner has been made accused in the present case. He further submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. He further submits that petitioner is not found at the place of occurrence. Petitioner bears criminal antecedent of one case in which he is on bail. Nothing has been recovered from the conscious possession of the petitioner. Seizure list has not been prepared as per law.

6. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner keeping in the criminal antecedent 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 A.D.J-IX-cum-Exclusive Special Excise Judge-I, Bhagalpur in connection with Antichak P.S. Case No.142 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

(Alok Kumar Pandey, J)

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