

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27301 of 2025

Arising Out of PS. Case No.-137 Year-2025 Thana- SITAMARHI District- Sitamarhi

Dharmendra Sharma, S/o Ramasnehi Sharma, R/o Village- Ramnagar Bedaul,
Ward No. 13, P.S.- Pupri, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-05-2025 Heard learned Advocate appearing on behalf of the
petitioner and the learned Additional Public Prosecutor for the
State.

2. The petitioner apprehends his arrest in connection
with Sitamarhi P.S. Case No. 137 of 2025, registered for the
offences punishable under Sections 30(a), 32(3) of the Bihar
Prohibition and Excise Act.

3. In course of vehicle checking the police
intercepted a motorcycle bearing registration no. BR06AF-4178.
In course of interrogation the apprehended person disclosed his
name as Avinash Kumar and on search total 7.530 liters of
nepali liquor was recovered from the dickey of the motorcycle.

4. Referring to the FIR, learned Advocate for the
petitioner submitted that there is neither any whisper about the



complicity of the petitioner, nor even the owner of the vehicle has been made accused. However, only on account of the fact that the petitioner is the registered owner of the vehicle in question, the police is chasing behind the petitioner and, as such, the present anticipatory bail application. It is further contended that in fact on the fateful day, one of the neighbour of the petitioner has taken away the motorcycle on the pretext of visiting the house of some relative and he was not knowing this fact that his vehicle was ever been used for illicit purpose. The fair antecedent of the petitioner as disclosed in paragraph no. 3 speaks loud that he has never been found involved in such activities. There are various other infirmities in the search and seizure, is the contention of learned Advocate.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submitted that the petitioner is the owner of the motorcycle which was used for illicit purpose, apart from the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the petitioner being owner of the motorcycle in question, there is neither any material suggesting his complicity, nor



during course of investigation any material has come which attract the prescription as provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 coupled with the fair antecedent, as also the fact that the petitioner is not named in the FIR, let the petitioner above named be released on bail, in the event of his arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Exclusive Excise Court No. 2, Sitamarhi in connection with Sitamarhi P.S. Case No. 137 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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