

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32058 of 2025**

Arising Out of PS. Case No.-59 Year-2024 Thana- Telta District- Katihar

Mithilesh Kumar S/o Mahesh Lal Urawn R/o Village- Mohni Kathal Bari  
(Ward No. 7), P.S.- Kasba, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      20-05-2025                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Telta P.S. Case No. 59 of 2024 (G.R. No. 5934 of 2024) registered for the alleged offence under Section 30(a) of Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, during checking of vehicles, a person riding a motorcycle and carrying a backpack tried to flee away on seeing the police party. The motorcycle was intercepted and the said person was apprehended. From the backpack and dickey of the motorcycle, recovery of 25.680 liters of India made foreign liquor was made. The petitioner has been named in this case as he is the owner of the motorcycle seized by the police.



04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case only on the ground that he is the owner of the motorcycle. The apprehended co-accused is the nephew of the petitioner and he was handed over the motorcycle by the petitioner in good faith. But the nephew of the petitioner used the motorcycle for transpiration of illicit liquor and he has been apprehended. As the petitioner is the owner he has been made a scapegoat in the present case. The petitioner never involved in trade of illicit liquor. From the facts of the case, it is apparent that no recovery of any incriminating article has been shown from the person of possession of the petitioner and no offence under the provisions of Bihar Prohibition & Excise Act is made out against the petitioner. The petitioner is having antecedent of one case in which he is on bail.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of this petitioner and further considering the probability of false implication, let the petitioner above named,



in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (Excise) Court no. 01, Katihar/court concerned in connection with Telta P.S. Case No. 59 of 2024 (G.R. No. 5934 of 2024), subject to the condition laid down under Section 482(2) of BNSS and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

**(Arun Kumar Jha, J)**

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