

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34050 of 2025

Arising Out of PS. Case No.-489 Year-2024 Thana- DUMRA District- Sitamarhi

Indrajeet Kumar S/O Ramnarayan Mahto R/O Village- Mohanpur, Ward
No.13, P.S.- Sonbarsa, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Dumra P.S. Case No. 489 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 204 litre illicit liquor was recovered from the Maruti Suzuki Celerio ZXI car in question and FIR has been lodged against owner of the said car in question.

4. Learned counsel for the petitioner orally submits that petitioner is not named in FIR and during the course of investigation the name of the petitioner has been surfaced in this as the owner the said car in question. He further submits that the



said car in question is locked and how the lock has been opened, has not been disclosed in FIR which questions the authenticity of the prosecution story and petitioner cannot be held liable for the alleged recovery. Petitioner was not found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

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

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, 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 Judge-I, Sitamarhi in connection with Dumra P.S. Case
No. 489 of 2024, subject to the conditions as laid down under
Section 482 (2)of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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