

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32545 of 2025

Arising Out of PS. Case No.-132 Year-2024 Thana- Jagdishpur District- West Champaran

Mosafir Sahani son of Late Shankar Sahani Vill-Ujjain Lohiyar, P.S-Harsidhi,
Dist-East Champaran

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar

For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Jagdishpur P.S. Case No. 132 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act. 2016.

3. As per prosecution case, 09 litre foreign liquor was recovered from the Super Splendor motorcycle in question and FIR has been lodged against unknown driver of the said motorcycle.

4. Learned counsel for the petitioner orally submits that petitioner is not named in FIR. He further submits that though FIR is lodged against unknown driver of the Super Splendor motorcycle in question but during the course of



investigation, the name of the petitioner has been surfaced in this case as the owner of the said motorcycle in question. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case due to high handedness of the police. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner was not found at the place of occurrence. He has nothing to do with the alleged recovery. Seizure list has not been made as per law. 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 Judge, Excise - I, Bettiah, West Champaran in connection with Jagdishpur P.S. Case No. 132 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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