

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32455 of 2025

Arising Out of PS. Case No.-216 Year-2025 Thana- Excise P.S. District- Siwan

Robin Gupta @ Raubin Gupta S/o Basant Gupta R/o Village- Imlauli
Kabirpur, P.S.- Mairwa, District- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2. The petitioner is apprehending his arrest in connection with Siwan Excise P.S. Case No. 216 of 2025 registered for the offences punishable under Sections 30(a), 32(3) of Bihar Prohibition and Excise Act, 2016 amended 2022.

3. As per prosecution case, 135 litre illicit country made liquor was recovered from the motorcycle in question and one person is said to have fled away from the spot. Hence, FIR has been registered against unknown and owner of the seized motorcycle in question.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and during course of investigation name of the petitioner has been transpired in this



case being owner of the motorcycle in question. Learned counsel orally submits that some one has taken the motorcycle from the house of the petitioner and misused the same for carrying illicit liquor and hence, petitioner is not liable for the alleged recovery. 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. Petitioner bears no criminal antecedent. Petitioner is not in any way connected with the alleged occurrence. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner was not found on the place of occurrence. Petitioner has no concern with the seized liquor. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision 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 the 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 Court-II, Siwan in connection with Siwan Excise P.S. Case No. 216 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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