

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34471 of 2025

Arising Out of PS. Case No.-41 Year-2024 Thana- SITAMARHI District- Nawada

=====

Gallu Hajam S/o- Gullu Thakur @ Gulli Thakur Resident of village- Gandhi
Tand Atkadih P.s. Bagodar District- Giridih (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma

For the Opposite Party/s : Mr. Bharat Lal

=====

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 Sitamarhi P.S. Case No. 41/2024 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 150 liters country made mahua liquor from two motorcycles in question.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. The petitioner is not named in the FIR and his name has been surfaced in this case during course of investigation, as the owner of one motorcycle bearing registration No.BR02BA-



9879 from which 100 liter country made *mahua* liquor was recovered. The petitioner bears no criminal antecedent. The petitioner was not found at the place of occurrence. The petitioner is not apprehended on the spot and no incriminating article has been recovered from the possession of the petitioner. The petitioner has no concern with the seized liquor. Seizure list has not been prepared as per law. He further submits that the petitioner had given the said motorcycle to his friend Sachin Kumar and he had no knowledge that his friend had misused the said motorcycle for carrying illicit liquor and the petitioner cannot be held liable for the alleged occurrence. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition of Excise Act.

5. The learned A.P.P. for the State opposed 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 the learned Exclusive Special Excise Court No.1, Nawada in connection with Sitamarhi P.S. Case No. 41/2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

