

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34811 of 2025

Arising Out of PS. Case No.-115 Year-2023 Thana- BIHPUR District- Bhagalpur

Ranjeet Kumar S/o Bindeshwari Mandal R/o Village- Navtoliya Chounka,
Diyara, P.S.- Sabour, District- Sahebganj Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rang Nath Pandey

For the Opposite Party/s : Mr.Kanhiya Kishor

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 Bihpur(Bhawanipur) P.S. Case No. 115 of 2023 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2016.

3. As per prosecution case, there was alleged recovery of 45 litre country made liquor from the motorcycle in question and co-accused Md. Minnat was apprehended at the spot. It is further alleged that 10 litre country made liquor was recovered from the shop of Jayprakash Sharma.



4. Learned counsel for the petitioner orally submits that petitioner is not named in the FIR and his name has been transpired in the present case as owner of the motorcycle in question. Learned counsel further submits through para 6 of the bail petition that prior to the alleged occurrence petitioner's motorcycle was stolen by unknown thieves and in the light of aforesaid fact, petitioner had filed application before Sabour Police Station which is recorded in paragraphs no.5 and 6 of the case diary. Petitioner has no concern with the alleged recovered liquor. Learned counsel 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. Apart from that, petitioner bears no criminal antecedent. Nothing has been recovered from the conscious possession of the petitioner. In the light of 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 vehemently 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 Addl. Sessions Judge-IX, Bhagalpur in connection with Bihpur(Bhawanipur) P.S. Case No. 115 of 2023, subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Alok Kumar Pandey, J)

vashudha/-

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