

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34116 of 2025**

Arising Out of PS. Case No.-28 Year-2025 Thana- SAHARGHAT District- Madhubani

Vijay Kumar Sinha S/o Lakshmeshwar Prasad Sinha, Resident of village-  
Sadhwara, P.S.- Simari, District- Darbhanga.

... .. Petitioner/s

## Versus

## The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ravindra Kumar Singh

For the Opposite Party/s : **Mr. Madhura Nand Jha**

**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 Saharghat P.S. Case No. 28/2025 registered for the offences punishable under Sections 274 and 275 of the B.N.S.S. and section 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 225 liters Nepali country made liquor from the motorcycle in question.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. The name of the petitioner has been transpired in this case during course of investigation as the owner of the said



motorcycle from which the alleged illicit liquor was recovered. He further submits that the petitioner had sold the said motorcycle to Rahul Kumar Safi on 17.10.2024 prior to the alleged occurrence and the copy of sale letter dated 17.10.2024 is annexed as Annexure-2 of the present petition. The petitioner bears no criminal antecedent. The petitioner was not found at the place of occurrence. No incriminating article has been recovered from the possession of the petitioner. He further submits that the petitioner has no concern with the seized liquor. 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 learned Court of learned District and Additional Sessions Judge-II cum Special Judge, Excise Act, Madhubani in connection with Saharghat P.S. Case No. 28/2025, corresponding to G.R. No.448/2025, 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)**

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