

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35942 of 2025

Arising Out of PS. Case No.-323 Year-2024 Thana- DURAULI District- Siwan

Govind Rajbhar @ Govinda Rajbhar S/o Rajkishore Rajbhar @ Ramashish
Rajbhar Resident Of Village- Miskarhi Mathia, Ps- Mairwa, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-06-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Darauli P.S. Case No. 323 of 2024 registered for the offences punishable under Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, 15 litre illicit liquor was recovered from Hero Splendor Plus motorcycle in question. Apprehended co-accused Kuldeep Kumar God disclosed the name of petitioner who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. He further submits that petitioner has falsely been implicated in the present case just because he is the owner of the



said motorcycle in question. He further submits that the petitioner has given the said motorcycle to co-accused Kuldeep Kumar God in good faith and later on petitioner came to know that said motorcycle has been misused in the alleged occurrence and, hence, petitioner cannot be held liable for the alleged recovery. No incriminating article has been recovered from the conscious possession of the petitioner. He was not found at the place of occurrence. Petitioner bears criminal antecedent of one case in which he is on bail. 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, 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



Excise Court No. 01, Siwan in connection with Darauli P.S.
Case No. 323 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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