

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35183 of 2025

Arising Out of PS. Case No.-216 Year-2024 Thana- BHAGWAN BAZAR District- Saran

Abhay Kumar Sah Son of vishwanath Sah village- Chhatradhari Bazar, Near
Ram Janaki Mandir, Ps- Bhagwan Bazar, Dist- Saran at chapra

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh

For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Bhagwan Bazar P.S. Case No. 216 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 750 ml foreign liquor was recovered from motorcycle in question and FIR was registered against owner and driver of the said motorcycle in question.

4. Learned counsel for the petitioner orally submits that petitioner is not named in FIR and during the course of investigation the name of the petitioner has been surfaced in this case as the owner of the said motorcycle in question. He further



submits that after parking the said motorcycle in question, petitioner went to meet his close friend and, in the meantime, someone kept the illicit liquor in the said motorcycle in order to implicate the petitioner in the present case. He further submits that seizure list does not bear the name of petitioner, and in absence, thereof, it is proved that the petitioner is quite unaware regarding the alleged recovery of wine from the motorcycle in question. Seizure list has not been made as per law. Petitioner was not found at the place of occurrence. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of three cases 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 1st Special Judge, Excise, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 216 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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