

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47298 of 2025

Arising Out of PS. Case No.-397 Year-2021 Thana- Sursand District- Sitamarhi

Sanjay Kumar Son of Vimal Choudhari Resident of village - Gidha Phulwaria
@ Bhagwanpur, Ward No.- 4, P.S.- Runisaidpur, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Sursand P.S. Case No. 397 of 2021, dated 25.08.2021, lodged under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022, pending before the Court of Special Judge-cum-Exclusive Excise Court-2, Sitamarhi, Bihar.

3. As per the prosecution, total recovery of 35.4 litres of illicit liquor has been made, which is the subject matter of the present case. The allegation in the FIR is that one person was coming on a motorcycle from the side of Nepal, when the police



reached, he attempted to flee but was apprehended. Upon verification, 35.4 litres of illicit liquor were recovered from the said motorcycle. The motorcycle was seized, and the apprehended person disclosed that he used to come periodically from Nepal and sell liquor. The accused person also failed to provide the papers of the motorcycle, and the case was lodged thereafter.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that the petitioner's name has figured in this case solely due to his ownership of the seized vehicle. It is further submitted that the petitioner had already sold the motorcycle, and in support of this claim, Annexure-2, a sale letter along with an affidavit, has been annexed. It is also submitted that the criminal antecedent of the petitioner is clean.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that, as per the sale letter, a transaction of Rs. 22,000/- appears to have been made, however, the document is on plain paper and no revenue stamp has been affixed. He further submits that at page 19 of the bail application, there is a hypothecation document showing that the said vehicle was financed through Bajaj Finance Limited.



6. In light of the submissions and upon perusal of the No Objection Certificate at page 18, it transpires to this Court that the said certificate was valid only for 90 days from the date of its issuance, i.e., 22.11.2018. Consequently, the document has lost its validity and shall not help the petitioner in any manner.

7. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

8. It is directed to the petitioner to surrender before the Trial Court within a period of 6 weeks from today. In case, the petitioner surrenders within six weeks, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J.)

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