

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51460 of 2025

Arising Out of PS. Case No.-171 Year-2025 Thana- CHIRAIYA District- East Champaran

Md. Sahbaj @ Sahabaj Mahamad S/O Kayamuddin @ Kyamuddin R/V-
Gangapipar, P.S- chiraiya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore @ Kundan Kumar, Advocate
For the Opposite Party/s : Mrs. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 31-07-2025 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. appearing on behalf of the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 317(5) of the B.N.S. and Sections 30(a), 41(1) of the Bihar Prohibition and Excise Amendment Act.

3. As per prosecution case, 117 litres illicit Nepali liquor was recovered from a seized motorcycle.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. Petitioner is neither owner nor driver of the vehicle in question. No incriminating article has been recovered from conscious possession of this petitioner and has been made an accused in this case merely on the basis of confessional statement of co-



accused person. Petitioner has got one criminal antecedent of similar nature in which he is already on bail.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the nature of accusation and the fact that no incriminating article has been recovered from conscious possession of this petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-1, Motihari, East Champaran, in connection with Chiraiya P.S. Case No. 171 of 2025, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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