

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53535 of 2025

Arising Out of PS. Case No.-340 Year-2024 Thana- BIHIA District- Bhojpur

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Santosh Kumar Ojha Son of Late Pujan Ojha R/O Vill- Nawadih, P.S.- Bihiya,
District- Bhojpur Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL ORDER

3 17-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in a case registered
under Section 30(a) of Bihar Prohibition and Excise Act.

3. There is recovery of 105.120 litres of illicit liquor
from Apache motorcycle bearing Reg. No. BR35-S-4392 and
112.320 litres of illicit liquor from another Passion motorcycle
bearing Reg. No. BR03-AB-7367 and accused persons fled
away from the spot. Petitioner is registered owner of Apache
motorcycle in question.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case being the registered owner of Apache motorcycle in
question. Further submission is that petitioner is in service in
B.S.F., posted in the State of Meghalaya, and at the time of
occurrence, he was not present at the spot. One Pintu Kumar



Yadav, co-villager of the petitioner, had taken the motorcycle of the petitioner from his wife for urgent work and petitioner and his wife had no knowledge with respect to misuse by the said Pintu Kumar Yadav. It is submitted that petitioner has no concern with the seized illicit liquor and nothing has been recovered from the conscious possession of the petitioner. Petitioner has no criminal antecedent and he undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned in connection with Bihiyan P.S. Case No. 340 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., 2023.

(Sunil Dutta Mishra, J)

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