

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60124 of 2025

Arising Out of PS. Case No.-320 Year-2021 Thana- MADHUBANI TOWN District-
Madhubani

Bindu Sah Son of Ramashray Sah R/o - Talakhpur, Dumra, P.S - Punaura,
District - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar
For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Madhubani Town P.S. Case No. 320 of 2021 registered for the offences punishable under Sections 272, 273, 34 of the IPC and Sections 30(a), 41 of Bihar Excise (Prohibition) Amendment Act, 2022.

3. As per prosecution case, 45 litre Nepali liquor was recovered from the Passion Pro motorcycle in question. It is further alleged that 49.500 litre Nepali liquor was recovered from Honda Shine motorcycle in question.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the FIR and he has falsely been implicated in this case. Learned counsel orally submits that petitioner is not named in the FIR and during course of investigation, his name has been transpired in this case as owner of motorcycle bearing Registration No. BR06AS-2728. Learned counsel orally submits that motorcycle of the petitioner was taken away by his relative but said motorcycle was misused in carrying the illicit liquor and hence, petitioner cannot be held responsible for the alleged recovery. Petitioner bears criminal antecedent of one case in which he is on bail. He further submits that no incriminating article has been recovered from possession of the petitioner. Petitioner was not found at the place of occurrence. Petitioner has no concern with the seized liquor. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State vehemently 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 Judge, Excise, Madhubani in connection with Madhubani Town P.S. Case No. 320 of 2021, 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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