

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68825 of 2025

Arising Out of PS. Case No.-121 Year-2025 Thana- JITNA District- East Champaran

Bigan Baitha S/o- Maleshwar Baitha @ Mauleshwar Baitha Resident of
village- Bankatwa, P.S.- Jitna, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Jitna P.S. Case No. 121 of 2025 registered for the offence punishable under Sections 30(a), 41 (1) of Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, 22.5 litre illicit liquor was recovered from the motorcycle in question.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. The petitioner is not named in the FIR and his name has been surfaced in this case during course of investigation as the owner of the said motorcycle. He further submitted that on alleged date of occurrence the petitioner's friend namely Saheb



Dewan has taken the said motorcycle for personal work and he has misused the same. The petitioner has no knowledge that the said motorcycle is being used for carrying the alleged illicit liquor. Seizure list has not been made as per law. Petitioner bears no criminal antecedent. No incriminating article has been recovered from possession. 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. It has been orally submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that petitioner is owner of the said motorcycle in question from which 22.5 litre illicit liquor was recovered and hence, petitioner cannot escape from the allegation made in FIR. He does not deserve bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner, 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 Excise Court-03, East Champaran at Motihari in connection with Jitna P.S. Case No. 121 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

8. However, it is made clear that if the Investigating Officer of the case files and application before the learned trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Alok Kumar Pandey, J)

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