

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70894 of 2025

Arising Out of PS. Case No.-248 Year-2025 Thana- SURSAND District- Sitamarhi

Gopal Kumar Jha S/o Shashi Kant Jha R/o Village - Dhanga, Kaaluahi, West
Madhubani, P.S - Arer, District - Madhubani, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar, Adv.

For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is apprehending arrest in connection with Sursand P.S. Case No. 248 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2023.

3. As per prosecution case, there is alleged recovery of 330 liters illicit Nepali Sofi liquor from the Maruti Suzuki bearing Reg. No. BR 1AH-4688. Co-accused persons namely, Chandan Mandal and Shushil Rai were apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is not named in the first information report and his name has surfaced during investigation as the owner of the



vehicle in question. Petitioner was not found at the place of occurrence. Petitioner is not in any way connected with the alleged occurrence. It is submitted that petitioner has already lawfully sold the vehicle in question to one Nawal Kumar, a known vehicle dealer who carries on business in the sale and purchase of motor vehicles in the locality. Subsequently the said dealer, in the ordinary course of his business, sold the vehicle to one Pankaj Kumar on 06.06.2025 through a valid sale transaction. Learned counsel has brought the agreement of sale dated 06.06.2025 on record as Annexure-2 to the bail petition. It is submitted that the as the name of the petitioner is still reflecting in the R.T.O. records, petitioner has been falsely dragged in the present case. Petitioner has no criminal antecedent. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions 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 and submits that petitioner being owner of the vehicle cannot escape from the allegations levelled in the first information report.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, petitioner



has already sold the vehicle in question, 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 arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Excise Judge II, Sitamarhi in connection with Sursand P.S. Case o. 248 of 2025, subject to the conditions as laid down under section 482(2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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