

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68876 of 2025

Arising Out of PS. Case No.-49 Year-2025 Thana- BHAIKAVSHTHAN District- Madhubani

Naresh Kumar Sahu S/o Mishrilal Sahu R/o Village- Samaila, P.S.- Raiyam,
Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurav Anand

For the Opposite Party/s : Mr.Umeshanand Pandit

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 Bhairavshthan P.S. Case No. 49 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 36 litre illicit liquor was recovered from the motorcycle in question and co-accused Vishambar Kumar was apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is not named in FIR. During the course of investigation, the name of the petitioner has been surfaced in this case as the owner of the said motorcycle in question, as mentioned in impugned order itself. He further submits that



petitioner resides in Banglore and prior to the occurrence, petitioner sold the said motorcycle to Pintu Kumar who is brother of said apprehended co-accused. Petitioner is innocent and has committed no offence as alleged in the FIR. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner has nothing to do with the alleged recovery as on the alleged date of occurrence, petitioner was in Bangalore. 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. Petitioner bears no criminal antecedent. 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 by submitting that 36 litre illicit liquor was recovered from the motorcycle in question and petitioner being the owner of the said motorcycle he cannot escape from the allegation made in FIR. Hence, petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of 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 Special Judge, (Excise Act), Jhanjharpur at Madhubani in connection with Bhairavshthan P.S. Case No. 49 of 2025, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

8. However, it is made clear that if the Investigating Officer of the case files an 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 bond of the petitioner.

(Alok Kumar Pandey, J)

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