

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70904 of 2025**

Arising Out of PS. Case No.-299 Year-2024 Thana- CHAPRA TOWN District- Saran

Sabita Devi W/o Sanjay Manjhi R/o village - Babhaneiya, P.S - Garkha ,  
District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, 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 Town P.S. Case No. 299 of 2024 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, there is alleged recovery of 7 liters illicit country made liquor from the motorcycle bearing Reg. No. BR-04AP-7482. Co-accused Saroj Kumar was apprehended at the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is not named in the first information report and his name has surfaced during course of the investigation as the owner of the motorcycle in question. Petitioner was not found at



the place of occurrence. Petitioner is not in any way connected with the alleged occurrence. No incriminating article has been recovered from possession of the petitioner. It is submitted that co-accused Saroj Kumar, who was apprehended at the place of occurrence, is neighbour of the petitioner and he had borrowed the motorcycle from the petitioner for some urgent work and has misused the vehicle. Petitioner bears 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 the owner of the motorcycle in question 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, 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 1<sup>st</sup> Exclusive Special Excise Court, Saran at Chapra in connection with Town P.S. Case No. 299 of 2024, 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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