

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71672 of 2025

Arising Out of PS. Case No.-156 Year-2025 Thana- MAHKAR District- Gaya

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Jitesh Kumar @ Lalesh Kumar S/o Samdev Raut R/o Village- Sundarpur,
P.S.- Mahkar, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Mahkar P.S. Case No. 156 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, 750 ml illicit liquor was recovered from the from the motorcycle in question.

4. Learned counsel for the petitioner orally submits that petitioner is not named in FIR. During the course of investigation, the name of the petitioner has been transpired in this case as the owner of the motorcycle in question. He further submits that petitioner went to market for shopping and parked his motorcycle near Shahi Market and when he returned,



petitioner found his motorcycle missing and on query, he came to know that police seized the said motorcycle. Learned counsel orally submits that someone has misused the said motorcycle in question and petitioner has no knowledge regarding the illicit liquor is being concealed in the dickey of the said motorcycle in question. Petitioner was not found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case merely on suspicion. 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.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that during the course of investigation, name of the petitioner has been transpired in this case as the owner of the motorcycle in question from which 750 ml illicit liquor was recovered and hence, petitioner cannot escape from the allegation made in FIR.

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 Exclusive Special Judge, Excise – 2, Gaya in connection with Mahkar P.S. Case No. 156 of 2025, subject to the conditions as laid down under Section 482 (2)of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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