

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71801 of 2025

Arising Out of PS. Case No.-42 Year-2025 Thana- BABURA District- Bhojpur

=====

Bambam Ray S/O Jinandan Ray R/O Vill.- Daudpur, P.S.- Shahpur, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Ms.Priya, Adv.
		Ms.Sristi Kumari, Adv.
For the Opposite Party/s :		Mr.Akshay Lal Pandit, APP

=====

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. Petitioner is apprehending arrest in connection with Babura P.S. Case No. 42 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 and section 317(5) of the B.N.S., 2023.

3. As per prosecution case, there is alleged recovery of 24.840 liters illicit foreign liquor from the two bags in question which was carried by the pillion rider of the motorcycle bearing Reg. No. BR-01DP-8747. Co-accused persons namely, Rakesh Kumar & Lal Bihari 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 motorcycle in question. It is submitted that petitioner had given his motorcycle to his neighbour for emergency use and the same has been misused. 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. 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 alleged recovery.

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 Exclusive Special Excise Court No. I, Bhojpur at Ara in connection with Babura P.S. Case No. 42 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)

mcverma/-

U		T	
---	--	---	--

