

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72404 of 2025

Arising Out of PS. Case No.-903 Year-2025 Thana- Excise P.S. District- East Champaran

Rameshwar Singh Son of Babulal Singh Resident of village - Kundwa
Chainpur, P.S.- Kundwa Chainpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-10-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Excise P.S. Case No. 903 of 2025 registered for the offences punishable under Sections 30(a) and 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, 45 litre illicit liquor was recovered from the motorcycle in question. Apprehended co-accused Naman Kumar disclosed that the alleged liquor was supplied to him by the petitioner and he was instructed by the petitioner to deliver the same to petitioner's house.

4. Learned counsel for the petitioner submits that petitioner is not the owner of the seized motorcycle in question. He further submits that due to previous inimical term with the



apprehended co-accused Naman Kumar, petitioner has falsely been implicated in the present case. He was not found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Seizure list has not been made as per law. Petitioner is innocent and has committed no offence as alleged in the FIR. 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 name of the petitioner has been surfaced in this case upon the disclosure of apprehended co-accused Naman Kumar and hence, petitioner cannot escape from the allegation made in FIR.

6. Considering the facts and circumstances of the case, petitioner is not the owner of the vehicle in question, 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 Excise Court No. 2, East Champaran, Motihari in connection with Excise P.S. Case No. 903 of 2023, 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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