

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.82320 of 2024**

Arising Out of PS. Case No.-143 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.  
District- Gaya

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Satyesh Kumar@ Satesh Kumar S/O Akhileshwar Prasad Sharma Resident of  
village -Korap, P.S -Anti, District - Gaya ,Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Diwakar .

For the Opposite Party/s : Mr.Madhura Nand Jha

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

3      12-05-2025                      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. 143 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, 40 litre illicit liquor was recovered from the motorcycle in question. FIR was registered against unknown.

4. Learned counsel for the petitioner submits that petitioner is not named in FIR. He further submits that during the course of investigation, the name of the petitioner has been transpired in this case as the owner of the seized motorcycle in



question. He further submits that on 17.03.2021, FIR bearing Delha P.S. Case no. 61 of 2021 for the offence punishable under Section 379 of IPC has already been registered against unknown person by the petitioner for theft of his motorcycle on 15.03.2021 but later on it is found that FIR was lodged in Excise P.S. Case No. 143 of 2021 dated 11.04.2021 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act for the alleged occurrence. He further submits that motorcycle of petitioner has already been stolen and he has already registered FIR prior to the commission of alleged occurrence of present case. Petitioner is not in any way connected with the alleged occurrence. Petitioner was not found at the place of occurrence. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. 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 opposes the prayer for anticipatory bail of the petitioner.

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 Excise Judge No.-3, Gaya / Concerned Court in connection with Excise P.S. Case No. 143 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

**(Alok Kumar Pandey, J)**

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