

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86432 of 2025

Arising Out of PS. Case No.-53 Year-2021 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Shivpujan Mahto S/o Bhanu Mahto @ Jhunnu Mahto Resident of vill.-
Govindpur, P.S- Sugauli, Dist.- East Champarn

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajdeep Kumar, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-12-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Mohiuddinnagar Police Station Case No. 53 of 2021, disclosing offences under Section 30(a) of Bihar Prohibition and Excise Act.

3. The prosecution case, as per the First Information Report, is that on 08.03.2021, at about 11:30 hrs., during night patrolling, the police intercepted a pic-up vehicle bearing Registration No. BR06GB0374 and recovered 320.760 litres of illicit foreign liquor. After seeing the police party, driver of the vehicle succeeded in fleeing away.

4. Learned counsel for the petitioner submits that



petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case on the basis of the fact that he happens to be the owner of the vehicle in question. According to the petitioner, infact, the vehicle purchased by one Avinash Kumar on loan from a Tata Vehicle Company and when he failed to pay the installment within time, the pick-up vehicle in question, was seized/returned by the Finance Company. Thereafter, the petitioner made a proposal for purchase of said vehicle to Ideal Dealers Private Limited and had deposited a sum of Rs. 90,000/- on 17.12.2015. Subsequently, the petitioner decided not to purchase the vehicle in question and on the basis of affidavit submitted by the petitioner before the Ideal Dealers Pvt. Ltd., a cheque of Rs. 90,000/- was handed over to the petitioner by the dealer on 08.12.2016. He further submits that as per the virtual RC of the vehicle in question, downloaded recently by the petitioner with the owner details of the pick-up vehicle in question, the name of Avinash Kumar is reflected as the owner of the vehicle.

5. Considering the submissions made by the parties and the affidavit brought by the petitioner on record and the cheque of Rs. 90,000/- returned by Ideal Dealers Private Limited and further the submission of the petitioner that owner



on record of the vehicle as of today, as per the virtual RC, is standing in the name of Avinash Kumar, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise, Court No.-II, Samastipur, in connection with Mohiuddinnagar Police Station Case No. 53 of 2021, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita.

(Anil Kumar Sinha, J)

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