

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88609 of 2025

Arising Out of PS. Case No.-73 Year-2025 Thana- SONBERSA District- Sitamarhi

Sanjay Singh Son of Mahant Singh Resident of village - Dostapur, Ward No. 14 (Bariyarpur), P.S.- Bathnaha, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr.Damodar Prasad Tiwary,APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 22-12-2025 Heard Mr. Ashok Kumar Jha, learned counsel for the petitioner and learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Sonbarsa P.S. Case No. 73 of 2025 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 lodged on 26.02.2025 by the informant, Suresh Kumar.

3. There has been recovery of altogether 1440 litres of illicit Nepali wine kept in Mahindra Bolero vehicle bearing Registration No. BR06GG-6115. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the recovery of the illicit liquor is said to have been made from Mahindra Bolero vehicle bearing Registration No. BR06GG-6115 which, though, belongs to the petitioner, but the same was given on hire without realizing the fact that this could be used for



committing such an offence. The vehicle was handed over to the driver, namely, Deepak Kumar, who is said to have been apprehended and is in judicial custody. The petitioner has got no connection with the seizure so made by the police and he has got clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail submitting that there has been a huge recovery of illicit liquor from the vehicle which belongs to the petitioner.

6. Considering the fact that the recovery has been made from the vehicle which belongs to the petitioner which was given on hire basis having no knowledge of the fact that this could be used in such an offence and the driver of the said vehicle has been apprehended and is in judicial custody and the petitioner has got clean antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, above named, be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court-I, Sitamarhi in connection with aforesaid PS Case, subject to the conditions as laid down under Section 482(2) of the



BNSS as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their/his bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his/their bail bonds.

(Ajit Kumar, J)

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