

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87575 of 2025

Arising Out of PS. Case No.-250 Year-2025 Thana- JAYNAGAR District- Madhubani

Ramchandra Roy S/O Late Sonelal Roy Resident of Village - Haritol, P.S-
Khanpur, District- Samastipur, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 19-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Jaynagar P.S. Case No. 250 of 2025 corresponding to G.R. No. 1000/2025 , F.I.R dated 24.07.2025 registered for the offences punishable under Sections 274,275,317(5) of B.N.S and 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, the written complaint of the informant Mithlesh Kumar Rahi, ASI, Jaynagar Police Station, is that on 24.07.2025 at about 05:00 P.M., the informant along with police force was on evening patrolling duty. At about 05:30 P.M., while present at Jaynagar market, he allegedly received secret information that liquor smugglers were passing



towards Nepali Gumti carrying liquor on two motorcycles. After informing the senior officer and proceeding for verification, the police party reached near Nepali Gumti at about 05:50 P.M., where two persons on motorcycles allegedly coming from the Nepal side were seen with plastic sacks tied on the motorcycles. On noticing the police, the riders allegedly abandoned their motorcycles and fled away taking advantage of the crowd. As no local person agreed to act as an independent witness, two panther soldiers were made witnesses. Upon search of the abandoned motorcycles, one Passion Pro motorcycle bearing Registration No. BR-26 G-7948 was found carrying three plastic sacks containing 108 litres of Nepali country-made liquor, and another Passion Pro motorcycle (unregistered) was found carrying three plastic sacks containing another 108 litres of similar liquor. Seizure lists were prepared accordingly in the presence of witnesses.

4. Learned counsel for the petitioner by referring to the averments made in the anticipatory bail application submits that for ulterior reason the local police has shown the recovery of alleged liquor, which is said to have been tied with the seat of the motorcycle. Looking to the quantity it cannot be accepted that such quantities can be carried on the motorcycle as has been



shown to have been recovered and accordingly the allegations which is made against this petitioner cannot be accepted, and there is no independent witness to the seizure in accordance with the provisions under Section 103 of BNSS. It has next been submitted that this petitioner has clean antecedent and he is man of means and he is ready to abide by the terms and conditions imposed by this Court, in case privilege of anticipatory bail is extended in his favour.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession and / or premises belonging to the petitioner and considering the aforesaid fact that this petitioner has clean antecedent and he is in no way connected with the seized Nepali country made wine, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today 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 Judge Excise Court, Madhubani in connection with Jaynagar P.S. Case No. 250 of 2025 corresponding to G.R. No. 1000/2025 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

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