

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2488 of 2025

Arising Out of PS. Case No.-170 Year-2024 Thana- BELA District- Sitamarhi

Raj Kishor Singh Son of Satya Narayan Singh Village -Bangraha , ward no -03 , p.s -Bajpatti, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 212-02-2025
1. 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 Bela Police Station Case No. 170 of 2024, dated 13.07.2024, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The prosecution case, as per the First Information Report, is that on 13.07.2024, during patrolling, the police saw a person coming on a motorcycle from Nepal to India and on seeing the police, said person fled away leaving the motorcycle at the spot and the police recovered 36 litres of illicit country-made liquor.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in



this case merely because he happens to be the registered owner of the motorcycle in question. He further submits tht the petitioner had parked the motorcycle at the door of his house on the preceding night of the occurrence and when he woke up next morning, he found that someone had stolen his motorcycle and while he was going to the police to report this incident, he got information that the police has seized his motorcycle in connection with this case. He further submits that the petitioner has no criminal antecedent and he is, in no way, concerned with the recovered illicit liquor.

5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that from perusal of the First Information Report and the seizure list, it is apparent that the illicit liquor has been recovered from the motorcycle of the petitioner. Accordingly, on perusal of the First Information Report and the seizure list, a *prima facie* case is made out against the petitioner and in view of the Full Bench decision of this Court, in **Criminal Appeal (S.J.) No. 431 of 2019 (Ram Vinay Yadav v. The State of Bihar)**, I am not inclined to exercise my discretion for grant of anticipatory



bail to petitioner.

- 6. This application is, accordingly, dismissed.
- 7. However, if the petitioner surrenders before the concerned Court and seeks regular bail, the same may be considered by the concerned Court on its own merit, if possible on the same date, without being prejudiced by the rejection of the present anticipatory bail application of the petitioner by this Court.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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