

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9084 of 2026

Arising Out of PS. Case No.-166 Year-2025 Thana- BELA District- Sitamarhi

Vikash Chandra Ojha S/O Ramsudhar Ojha Resident of Village- Bakhar
Chandiha, P.S.-Purnahiya, District- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Bela P.S. Case No. 166 of 2025 registered for the offences punishable under Section 30(a) of Excise Act.

3. As per prosecution case, 87 litre illicit Nepali liquor was recovered from the motorcycle in question near the border area and the person driving the motorcycle succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. He further submits that petitioner is not named in FIR. During the



course of investigation, the name of the petitioner has been surfaced in this case as he is the owner of the motorcycle in question. He further submits that petitioner was not found at the place of occurrence and nothing has been recovered from the conscious possession of the petitioner. It is submitted that the motorcycle was taken by one known person for urgent work and the same has been misused. Petitioner had no knowledge regarding carrying of illicit liquor. In the light of the aforesaid facts and circumstances of the case, petitioner cannot be held liable for the same and no offence is made out as alleged in the FIR against the petitioner. Apart from that petitioner having no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that the alleged recovery has been made from the motorcycle in question and petitioner cannot escape from the allegation made in the F.I.R.

6. Considering the facts and circumstances of the case, petitioner was not found at the place of occurrence, 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 Court No.-1, Sitamarhi in connection with Bela P.S. Case No. 166 of 2025, subject to the conditions as laid down under Section 482(2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

Nilmani/-

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