

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9219 of 2026

Arising Out of PS. Case No.-844 Year-2025 Thana- SITAMARHI District- Sitamarhi

Ritik Kumar S/O Surendra Chaudhary Resident of Mohalla - Murliyachak
(Chak Mahila), P.S. and Dist- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Sitamarhi P.S. Case No. 844/2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 7.500 liters Nepali Saufi from a motorcycle in question.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. The petitioner is not named in the FIR; rather, the son of Surendra Chaudhary has been named therein. He further submits that said motorcycle was parked near the house of the



father of the petitioner and someone kept the bag (jhola) in the handle of the said motorcycle and hence, the petitioner cannot be held liable for the alleged recovery. He further submits that the name of the petitioner has been surfaced in this case on the basis of suspicion. Except suspension, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. The petitioner is not the owner of the said motorcycle, rather, the same stands registered in the name of his brother, who passed away in the year 2023. He further submits that the petitioner is not residing in the Mohalla in question, rather, he is working at a shop in Sitamarhi. The petitioner bears one criminal antecedent in which he is on bail. The petitioner was not found at the place of occurrence. No incriminating article has been recovered from the possession of the petitioner. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition of Excise Act.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner and submitted that the petitioner is FIR named accused and hence, he cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the



case, petitioner was not found at the place of occurrence, 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 Court of learned Exclusive Special Judge Excise Court No.-II, Sitamarhi in connection with Sitamarhi P.S. Case No. 844/2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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