

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9425 of 2026

Arising Out of PS. Case No.-148 Year-2025 Thana- KARTAHA District- Vaishali

Mithilesh Kumar Singh S/O Kalaug Singh R/O Vill.- Jagodih, P.S.- Sarai,
Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P.

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 Kartahan P.S. Case No. 148 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, during patrolling the informant saw two persons on a motorcycle near Primary School, Patepur and on seeing the police party they fled away leaving the motorcycle in question. Upon search of the motorcycle in question, 8.640 liter of illicit Foreign Liquor was recovered from the bush.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the F.I.R. and he has falsely been implicated in this case. 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 petitioner is the registered owner of the motorcycle in question having no complicity in the alleged occurrence. It is further submitted that nothing was recovered from the motorcycle in question rather recovery was made near the said motorcycle. He further submits that except suspicion there is nothing on record to connect the present petitioner with the alleged occurrence. He further submits that the place of recovery is an open place and same is accessible to all and petitioner cannot be held responsible/liable for the alleged recovery. It is further submitted that there is violation of Section 103 of the Bharatiya Nagarik Suraksha Sanhita as no independent witness was present at the time of search and seizure. 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 F.I.R. against the petitioner. Apart from that petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and



submits that liquor has been recovered from the motorcycle in question and the petitioner being the registered owner 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-I-cum-District & Additional Sessions Judge, Vaishali at Hajipur in connection with Kartahan P.S. Case No. 148 of 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)

Nilmani/-

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