

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35890 of 2026

Arising Out of PS. Case No.-317 Year-2023 Thana- BATHNAHA District- Sitamarhi

Ratan Thakur S/o Devendra Thakur Resident of Village- Sonbarsa, Ward no.-
5, Patelnagar, P.S.- Sonbarsa, District Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 27-05-2026 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Bathnaha P.S. Case No. 317 of 2023 for allegedly having committed offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant, to the effect that on 23.07.2023, at around 11:30 a.m., the informant along with the police party proceeded for conducting raid with regard to illegal trade of liquor and to apprehend the wanted accused persons. While he was conducting vehicle checking near NH-227 Tandaspur intersection, at about 02:30 p.m., he saw two persons coming from the direction of Sursand



and Bathnaha riding a motorcycle at a very high speed. When the informant signaled them to stop, they fled away leaving the motorcycle and the good loaded on the same, however after chase, they were arrested. Both the arrested persons disclosed their names as Md. Amir and Arun Kumar respectively. In presence of the police party, the motorcycle was searched from which 39.600 litres of Nepali country made liquor was seized. The liquor and the motorcycle bearing Registration No.BR06C-2871 was seized.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence, rather his name has transpired in the presence case, since he happens to be the owner of the alleged motorcycle which has been seized. He further submits that the motorcycle was given to his friend, namely, Arun Kumar for taking his mother to a doctor. The petitioner was not at all aware that on his motorcycle, country made liquor was being carried away. The petitioner was not present at the place of occurrence, therefore there is no question of any recovery from the petitioner. He submits that the petitioner has got a clean antecedent.

5. *Per contra*, the learned APP for the State opposes the prayer for grant of anticipatory bail to the petitioner and



submits that 39.600 litres of Nepali country made liquor was seized from the motorcycle and the same belongs to the petitioner.

6. Having considered the rival submissions and after going through the records, it appears that the motorcycle along with 39.600 litres of Nepali country made liquor was seized and two persons, namely, Md. Amir and Arun Kumar were arrested from the place of occurrence. The petitioner was not present at the place of occurrence and nothing was seized from him. His name transpired in the present case, since he happens to be the owner of the motorcycle, which is said to have been seized by the police. The petitioner has got a clean antecedent.

7. Considering the above, let the petitioner above-named, in the event of his arrest or surrender within a period of six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1, Sitamarhi in connection with Bathnaha P.S. Case No.317 of 2023, subject to the conditions laid down under Section 482(2) of the B.N.S.S with a further condition that:-

The learned court concerned shall verify the criminal antecedent of the petitioner and in case at any stage it is found



that the petitioner has concealed his criminal antecedent, the court concerned shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J.)

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