**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.77027 of 2026**

**CNR No. BRHC011092802026**

Arising Out of PS. Case No.-311 Year-2023 Thana- BRAHMPUR District- Buxar

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Mohan Ram S/o Shivnath R/o Village - Shahpur Usari, PS - Mohammadabad, District - Ghazipur (U.P)

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr. Ashwini Kumar Rai, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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**CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR**

ORAL ORDER

2 04-11-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

**2.** The petitioner is apprehending his arrest in connection with Brahmpur P.S. Case No. 311 of 2023 dated 01.06.2023 registered for the offences punishable under Sections 414 and 34 of I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act.

**3.** As per the allegation, during vehicle checking, co-accused Kamlesh Yadav and Dhanjee Yadav, were arrested from a motorcycle and altogether 50 liters of illicit country made liquor was recovered from a bag lying on the said place.

**4.** Learned counsel for the petitioner has submitted that that the petitioner has falsely been implicated in this case

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and he happens to be the owner of the said motorcycle, from which the alleged recovery of illicit liquor was made. It has further been submitted that the petitioner has informed the police in the year 2020 itself about the theft of his motorcycle. Moreover, at the time of alleged seizure, the motorcycle was not under the control of the petitioner and the co-accused persons did not alleged any complicity of the petitioner. It has further been submitted that the process prescribed under Section 105 of BNS has not been followed with. It has lastly been submitted that the petitioner has got no criminal antecedent.

**5.** Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

**6.** Heard the parties and perused the record.

**7.** Considering the facts and circumstances of the case as well as the fact that at the time of seizure of the illicit liquor, the motorcycle was not under the control of the petitioner, and the arrested co-accused persons did not name the petitioner in any way, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged 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 the learned Exclusive Special

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Excise Court No. - 2nd, Buxar, in connection with Brahmpur P.S. Case No. 311 of 2023, subject to conditions as laid down under section 438 of the Cr.P.C.

**8.** The application stands allowed.

**(Praveen Kumar, J)**

Aarti/-

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