

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51094 of 2026

Arising Out of PS. Case No.-28 Year-2024 Thana- CHHAURADANO District- East
Champaran

=====

Niraj kumar Son of Namo Narayan Yadav @ Nagendra Ray Resident of
village - koraiya Ps- Mahuava, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2026 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Chhauradano P.S. Case No. 28 of 2024, registered for the
offenses punishable under Section 414 of the I.P.C. and 30(a) of
Bihar Prohibition & Excise (Amendment) Act.

3. The police suspecting that four persons, riding on
two motorcycles were carrying illicit wine, tried to nab them,
however, two persons succeeded in fleeing away and two
persons were apprehended along with the motorcycles. In
course of search, 135 liters of illicit Nepali wine was recovered.

4. Learned Advocate for the petitioner submits that
the FIR does not disclose about any identification of the



petitioner at the place of occurrence. However, only on account of the petitioner being owner of the motorcycle bearing registration no. BR22AQ2962, which was seized in connection with the crime, his name has been implicated in this case. On the fateful day, the motorcycle was taken away by co-accused Amit Kumar, on the pretext of doing some market work, and the petitioner was not knowing the fact that his motorcycle had ever been used for any illicit purposes. There is no compliance of Sections 103 and 105 of the BNSS and save and except the petitioner being the owner of the motorcycle in question, nothing has surfaced during investigation suggesting his complicity in this crime.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submits that the petitioner is carrying two criminal antecedents, besides the use of the petitioner's motorcycle in the crime clearly suggests his complicity.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the fact that the name of the petitioner has been implicated in this case by virtue of he being the owner of the motorcycle, which was seized in connection with the crime, besides the non-



compliance of Sections 103 and 105 of the BNS and lack of materials which attract the rigors to entertain the plea of anticipatory bail, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-II, East Champaran, Motihari in connection with Chhauradano P.S. Case No. 28 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

siddharth/-

U		T	
---	--	---	--

