

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.76323 of 2023**

Arising Out of PS. Case No.-244 Year-2023 Thana- MOTIPUR District- Muzaffarpur

Vishal Kumar, Son of Rambali Bhagat @ Rambali Prasad, Resident of  
Village- Bathana, P.S.- Motipur, Distt- Muzaffarpur

... .. 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. Suresh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      29-11-2023                      Heard Mr. Manoj Kumar, learned counsel appearing  
on behalf of the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Motipur P.S. Case No. 244 of 2023 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. The petitioner is alleged to be trafficker of the illicit liquor. On a secret information, when the police reached to the place of occurrence, the petitioner and others succeeded in fleeing away on their respective motorcycles. In course of search, both the motorcycles were recovered near the house of the petitioner. On search, 57.345 litres of illicit liquor was recovered.

4. It is submitted on behalf of the petitioner that the



petitioner has no concern with the alleged recovered motorcycles. He further submits that the name of the petitioner has been divulged by the Chaukidar and the same appears to be suspicious. He next submits that there are other serious infirmities in the search and seizure. That apart, the petitioner is having fair antecedent.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has neither any concern with the alleged recovered motorcycles nor with the illicit liquor, coupled with his fair antecedent and the other infirmities in the search and seizure, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt /production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court-II, Muzaffarpur in connection with Motipur P.S. Case No. 244 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be



the own/close relative of the petitioner.

(Harish Kumar, J)

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