

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26131 of 2025

Arising Out of PS. Case No.-613 Year-2024 Thana- Excise P.S. District- Nalanda

Gautam Kumar, S/o Manoj Singh, R/o Village- Pawa, P.S.- Deepnagar in the
District of Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-05-2025 Heard Mr. Sunil Kumar, learned Advocate appearing
on behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Excise P.S. Case No. 613 of 2024, registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act, 2016.

3. In course of patrolling, the police found an
abandoned motorcycle parked beside the road. On search being
made, 4.500 litres of Indian made foreign liquor was recovered.

4. Learned Advocate appearing on behalf of the
petitioner after taking this Court through the FIR and the seizure
list has contended that it is explicit that the alleged recovery has
been made from a white colour plastic bag, which was kept



beside the motorcycle and there is no recovery of illicit wine from the motorcycle. In fact, on the fateful day the petitioner had gone to meet his friend by parking his motorcycle and in the mean time, in course of patrolling the police seized the motorcycle and later on implicated the name of the petitioner in the crime by showing recovery of some illicit liquor from the bag, which was found beside the motorcycle. It is further contended that the petitioner bears fair antecedent and there is various other infirmities in the search and seizure.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the infirmities in the search and seizure, coupled with the fact that there is no material suggesting the complicity of the petitioner in crime and the bag from which recovery has been made, does not belong to petitioner and during the course of investigation, the police has not collected any other material which attract the provision under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, 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.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-2, Nalanda in connection with Excise P.S. Case No. 613 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)

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