

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24652 of 2025

Arising Out of PS. Case No.-94 Year-2020 Thana- CHAKAND District- Gaya

Bablu Mistry S/O Ashok Mistry Resident of vill.- Shairapur Rouna, Rauna,
P.S.- Belaganj, Dist.- Gaya,Bihar,Pin.804404

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anmol Kumar

For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-05-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Chakand P.S. Case No. 94 of 2020, registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. In course of vehicle checking, the police intercepted a motorcycle bearing registration No. BR2E-5144, however the rider of the motorcycle succeeded in fleeing away. In course of search, 10 litres of illicit liquor was recovered from the dickey of the motorcycle.

4. Learned Advocate for the petitioner referring to the FIR submitted that the petitioner has neither been identified by any person nor his name has been disclosed, however, only on account of he being the owner of the motorcycle in question, his



name has been implicated in this case. In fact, on the alleged date of occurrence, the motorcycle was taken away by one of his neighbours and the petitioner was not knowing this fact that it has ever been used for any illicit purpose. The petitioner has a man of fair antecedent and he has never been implicated in such kind of cases. There are other infirmities in search and seizure.

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

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has been implicated in this case only on account of he being the owner of the vehicle in question, coupled with the fact that during the course of investigation, no cogent material has come which attracts the provisions prescribed under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the petitioner abovenamed 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 No.- 4, Gaya in connection with Chakand P.S. Case No. 94 of 2020,



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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