

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28784 of 2025

Arising Out of PS. Case No.-721 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

Sharavan Kumar Singh, S/O Ramawadh Singh, Resident of Village-
Ramgarh, P.S- Sakaldiha, District- Chandaui (U.P).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-05-2025 Heard 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 Bhabua Excise P.S. Case No. 721 of 2024, registered for
the offences punishable under Sections 30(a), 32(1) (3) and 41
(1) (2) of the Bihar Prohibition and Excise Amendment Act,
2022.

3. In course of vehicle checking, the police
intercepted a motorcycle and apprehended one Sandeep Kumar
Gupta @ Munib Kumar Gupta. In course of search total 16.200
liters of Indian made foreign liquor was recovered. The
motorcycle does not bear any registration number.

4. Learned Advocate appearing on behalf of the



petitioner contended that in fact on the fateful day, the motorcycle was taken away by one of his neighbour, namely Sandeep Kumar Gupta and this petitioner was not even knowing that whether his motorcycle has been used for any illicit purpose. It is further contended that only on account of the petitioner being owner of the motorcycle in question, his name has been implicated in this case without there being any other material, suggesting his complicity in the crime. The petitioner has neither any concern with the illicit wine, nor any incriminating material has been recovered from his whereabouts. The aforesaid fact also fortified for the simple reason that the petitioner having fair antecedent. There are other irregularities in the search and seizure as has been pointed out by learned Advocate for the petitioner.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act clearly bars the anticipatory bail.

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, on account of he being the owner of the motorcycle in question, without there



being any other substantive material showing his complicity, coupled with his fair antecedent and the absence of the ingredients which attracts the provisions 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 Special Judge Excise IInd, Kaimur at Bhabua in connection with Bhabua Excise P.S. Case No. 721 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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