

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26621 of 2025

Arising Out of PS. Case No.-237 Year-2022 Thana- TARARI District- Bhojpur

Vintesh Thakur @ Bintesh Thakur Son of Subhash Thakur Resident of village
- Karma, Police Station - Dhansoi, P.O.- Itariha, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Rai Sharma

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-05-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Tarari P.S. Case No. 237 of 2022, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The police, in course of patrolling intercepted two motorcycles. However, noticing the police party, two persons succeeded in fleeing away and one person was apprehended who disclosed his name as Govind Ram. In course of search, 30 litres of country made liquor was recovered from the motorcycle bearing registration No. BR44L3319 which was being driven by Govind Ram. So far another motorcycle is concerned, from there 50 litres of country made liquor was recovered.

4. Learned Advocate for the petitioner contended that



only on account of the petitioner being the owner of the afore noted motorcycle in question, his name has been implicated in this case. In fact, on the fateful day, the motorcycle of the petitioner was taken away by his neighbour namely, Govind Ram and this petitioner was not even aware as to whether his motorcycle has ever been used for illicit purpose. There are other infirmities in search and seizure, coupled with the non compliance of Section 103 of BNSS, as also the witnesses are none else but the police personnel. It is lastly contended that the petitioner shall abide by the terms and conditions of the bail and will fully cooperate in the proceeding.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the petitioner bears one criminal antecedent, though the same is of different nature.

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 motorcycle in question; moreover no other substantive materials have come suggesting the complicity of the petitioner in the crime, coupled with the infirmities in search and seizure and the absence of materials



which attract the provisions provided under 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 Judge, Excise Court No. II, Bhojpur, Ara in connection with Tarari P.S. Case No. 237 of 2022, 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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