

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26163 of 2025

Arising Out of PS. Case No.-76 Year-2025 Thana- Excise P.S. District- Banka

Manoj Yadav @ Manoj Kumar Yadav Son of Bindeshwari Yadav Resident of
Village- Baratkar Pidadana, P.S.- Rajoun, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Mishra

For the Opposite Party/s : Ms.Meena Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-05-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Banka Excise P.S. Case No. 76 of 2025 registered for the offences punishable under Sections 274, 275 of the BNS, 2023 and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The police in course of patrolling intercepted a motorcycle, bearing registration No. JH17E 5519. On query, the rider of the motorcycle disclosed his name as Rajiv Kumar. In course of search, 13.650 litres of Indian made foreign liquor was recovered.

4. Learned Advocate for the petitioner submitted that only on account of the petitioner being the registered owner of the motorcycle, in question, his name has been implicated in this case. In fact, on the fateful day, co-accused Rajiv Kumar had



taken away the motorcycle of the petitioner on the pretext of visiting the house of some relatives and the petitioner was not knowing this fact that his motorcycle has ever been used for any illicit purpose; there had never been any consent or conspiracy for the crime, in question, which fact also fortified for the simple reason that the petitioner has never been indulged in such activities and he bears fair antecedent. It is further contended that during investigation, no material has come suggesting the complicity of the petitioner; moreover there is no recovery from the constructive or conscious possession of the petitioner and, as such, the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 is not applicable.

5. On the other hand, learned Advocate for the State vehemently opposed 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 on account of he being the owner of the motorcycle, in question; moreover, there is no material collected during the course of investigation, which attracts the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, coupled with the fair antecedent of the petitioner, 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 Special Judge, Exclusive Excise Court No. 2, Banka in connection with Banka Excise P.S. Case No. 76 of 2025, 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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