

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26711 of 2025

Arising Out of PS. Case No.-1240 Year-2024 Thana- Excise P.S. District- Aurangabad

Safikur Rahman, S/O Md. Rizwan Ansari, R/O Vill.- Kabir Mohalla, Nawadih
Road, P.S. Aurangabad Town, Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Excise P.S. Case No. 1240 of 2024 registered for the offence punishable under Sections 30(a), 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018 and Sections 41(1) and 41(2) of the Bihar Prohibition and Excise Act, 2016.

3. In course of patrolling, the police intercepted an e-rickshaw and apprehended a person, who was sitting over it. However, noticing the police party, another person succeeded in fleeing away. In course of search, total 72.360 lts. of illicit liquor was recovered.

4. Learned counsel for the petitioner contended that only on account of the petitioner being registered owner of the



seized e-rickshaw, his name has been implicated in this case. It is the contention of the petitioner that e-rickshaw, in question, was handed over to one Birju Prasad on a duly executed affidavit to run the same on monthly rent. The copy of the affidavit in support of the aforesaid contention has been placed on record as Annexure-2 to the bail application. The petitioner has neither any concern with the illicit wine nor he has ever been found involved in such activity. Moreover, the petitioner bears fair antecedent. There are various other infirmities in search and seizure, coupled with the non-compliance of the provisions of Sections 103 and 105 of the BNSS. The petitioner undertakes that he will fully cooperate in the investigation and the proceedings of the Court.

5. On the other hand, learned counsel for the State 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 only on account of he being owner of the e-rickshaw in question, which has been running on rent, coupled with the fair antecedent and the absence of ingredients attracting the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let



the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-II, Aurgangabad in connection with Excise P.S. Case No. 1240 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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