

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26683 of 2025

Arising Out of PS. Case No.-49 Year-2025 Thana- AMBA District- Aurangabad

Divanshu Kumar S/O Krishna Saw @ Krishna Prasad, R/O Vill.- Club Road,
P.S.- Aurangabad Town, Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Adv.

For the Opposite Party/s : Mr. Pramod Kumar Pandey, 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 Amba P.S. Case No. 49 of 2025 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. In course of vehicle checking, the police intercepted two motorcycles and apprehended three persons; one of the persons, who was found driving the motorcycle bearing registration no. BR 26X 1356 from his possession 12 lts. of foreign liquor is said to have been recovered. Further 80 lts. of illicit liquor was recovered from another motorcycle.

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



motorcycle bearing registration no. BR 26X 1356, his name has been implicated in this case. In fact, on the fateful day, the motorcycle was taken away by co-accused Raj Kumar, who happens to be neighbour of the petitioner, on the pretext of bringing some household articles. However, the petitioner was not knowing this fact that his motorcycle has ever been used for illicit purpose. There are various other infirmities in search and seizure; apart from non-compliance of the provisions of Section 103 of the BNSS. The petitioner bears fair antecedent and he 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 only on account of he being owner of the motorcycle in question; there are no other substantive material suggesting complicity of the petitioner in the crime and attracting the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, coupled with the fair antecedent, 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-I, Aurgangabad in connection with Amba P.S. Case No. 49 of 2025, 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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