

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31114 of 2025

Arising Out of PS. Case No.-75 Year-2024 Thana- SIMULTALLA District- Jamui

Rashim Soren W/o Chhote Lal Hembram R/o Vill.- Chhata, P.S. -
Chaudramandih, Chakai, Distt.- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanju Singh

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-05-2025 Heard the parties.

2. The petitioner apprehends her arrest in connection with Simultala P.S. Case No. 75 of 2024, registered for the offences punishable under Sections 30(a), 32 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The police on a tip off trafficking of illicit wine intercepted a motorcycle bearing Registration No. BR46-Q-8947 and apprehended one person. In course of search, total 6 litres of country made liquor was recovered from the dickey of the motorcycle.

4. Learned Advocate for the petitioner contended that in fact on the fateful day, one of the neighbour had taken away the motorcycle on the pretext of bringing some articles in relation to *shradh* ceremony; and the petitioner was not



knowing this fact that his motorcycle has ever been used for any illicit purpose. The petitioner has neither any concern with the illicit wine nor during investigation any incriminating material has surfaced suggesting the complicity of the petitioner in crime. Only on account of the fact that the petitioner being the owner of the motorcycle, his name has been implicated in this case. There are other infirmities in search and seizure and the witlessness are none else but the police personnel. The petitioner bears fair antecedent.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application.

6. Considering the submissions advanced by the learned Advocates for the parties and taking note of the fact that the name of the petitioner has been implicated only on account of he being the owner of the motorcycle, in question, coupled with her fair antecedent and the lack of ingredients attracting the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the petitioner abovenamed be released on bail, in the event of her 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 Excise Court II, Jamui in connection with Simultala P.S. Case No. 75 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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