

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31077 of 2025

Arising Out of PS. Case No.-29 Year-2022 Thana- ALAMGANJ District- Patna

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Mukesh Kumar S/o Bhola Sah @ Bhola Saw R/o Vill.- Daudnagar
Damaipatti, P.S.- Bidupur, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Nitu Kumari

For the Opposite Party/s : Mr.Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-05-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Alamganj P.S. Case No. 29 of 2022, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. In course of patrolling, on secret information, the police intercepted Maruti Car bearing Registration No. BRIM 6087. Noticing the police party, the driver of the Maruti Car succeeded in fleeing away. On search, total 180 litres mahua liquor was recovered.

4. Learned Advocate for the petitioner submitted that the petitioner has been suffering from mental illness and is under treatment of psychiatrist since long. On the fateful day, the Car was taken away by one Kanhai Prasad on rent basis and



the petitioner was not even aware of the fact that his Car has ever been used for illicit purpose. There are other infirmities in search and seizure, coupled with the non compliance of Section 100 Cr.P.C. and moreover there is no independent witness to the search and seizure and the presence of the petitioner nearby the place of occurrence has not been found. It is lastly contended that the petitioner is a man of fair antecedent and he undertakes before this Court that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the alleged recovery from the Car of the petitioner clearly bars the anticipatory bail to the petitioner.

6. Considering the submissions advanced on behalf of the parties and taking note of the fact that the name of the petitioner came to be implicated in this case on account of he being the owner of the vehicle in question, coupled with the infirmities in search and seizure, as also the fair antecedent and the absence of substantive material which attracts 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 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 Judge Excise Court, Patna City in connection with Alamganj P.S. Case No. 29 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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