

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31073 of 2025

Arising Out of PS. Case No.-318 Year-2020 Thana- PARSABAZAR District- Patna

Munna Chaudhary S/o Umesh Ray @ Nishu Chaudhary Resident of Village-
Bhojaur, Post- Daulatpur, P.S.- Masaurhi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kishore Prasad, Adv. Mr.Dhaneshwar Prasad Gupta, Adv.
For the Opposite Party/s :		Mr. M. K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-05-2025 Heard Mr. Raj Kishore Prasad, learned Advocate for
the petitioner and Mr. M. K. Nirala, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Parsa Bazar P.S. Case No. 318 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. In course of vehicle checking, the police intercepted a motorcycle rider, however noticing the police party, he succeeded in fleeing away, after leaving the motorcycle, bearing Registration No. BR01EH-0271. In course of search, 40 litres *mahua* liquor was recovered from a plastic bag tied with the motorcycle.



4. Learned Advocate for the petitioner contended that on the fateful day, the petitioner went to Parsa Bazar Station to receive one of his relatives, after parking the motorcycle near the south side of Parsa Bazar Station. However, later on, he came to know that the police has seized the motorcycle after showing recovery of 40 litres *mahua* liquor. There is complete denial of any recovery from the motorcycle. Learned Advocate for the petitioner further contended that he has no concern with the illicit wine nor he has ever been engaged in any such activities prior to institution of the present case. There is no compliance of Sections 103 and 105 of BNSS. Moreover, the witnesses are none else but the police personnel. The petitioner further 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 entire recovery has been made from the motorcycle of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fair antecedent of the petitioner and the fact that the name of the petitioner has been implicated on account of he being the owner of the motorcycle



in question, coupled with the infirmities in search and seizure as also the lack of substantive materials 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 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.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No. II, Patna in connection with Parsa Bazar P.S. Case No. 318 of 2020, 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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