

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30972 of 2025

Arising Out of PS. Case No.-322 Year-2022 Thana- ROSHANGANJ District- Gaya

Randhir Kumar, Son of Nawal Kishor Singh, Village- Gulani PS- Magadh
Medical Colleg Hospital (MMCH), Distt -Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Jyoti Prasad, Advocate

For the Opposite Party/s : Mrs. Meena Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-05-2025 Heard Ms. Jyoti Prasad, learned Advocate appearing
on behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Banke Bazar P.S. Case No. 322 of 2022, registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2018.

3. In course of patrolling, the police intercepted a
motorcycle rider who was coming on his motorcycle bearing
registration no. BR02AH 6206. In course of search, 2 liters
country made *mahua* liquor was recovered from the dickey of
the motorcycle.

4. Learned Advocate appearing on behalf of the
petitioner contended that only on account of the petitioner being



registered owner of the motorcycle in question, his name has been implicated in this case, without there being any substantive material suggesting the connectivity of the petitioner in the alleged recovered amount. In fact, on the fateful day, the motorcycle was taken by one of the relative of the petitioner and the petitioner was not even aware as to whether his motorcycle had ever been used for any illicit purpose. The presence of the petitioner at the place of occurrence has not been disclosed by any of the persons. Moreover, there are various other infirmities in the search and seizure, coupled with non-compliance of Section 103 and 105 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioner is a man of fair antecedent and he undertakes before this Court that he will fully cooperate in the investigation and the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest 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 on account of he being owner of the motorcycle in question, coupled with the infirmities in the search and seizure and the fair antecedent, as also the absence of materials attracting the rigors provided under Section 76(2) of



the Bihar Prohibition and Excise Act, 2016, let the petitioner above named 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 Court of Exclusive Excise Court No. 3, Gaya in connection with Banke Bazar P.S. Case No. 322 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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