

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30942 of 2025

Arising Out of PS. Case No.-369 Year-2024 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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Amarnath Singh, S/o Sudarshan Singh, R/o vill- Barwankala, P.S. - Adhoura,
Distt- Kaimur (Bhabhua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramnath Singh Yadav, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-05-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Bhagwanpur P.S. Case No. 369 of 2024 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The police in course of patrolling intercepted a person, who was riding on a motorcycle, bearing registration no. BR45K 3026. In course of search, total 10 litres of country made *Mahua* Chulai liquor was recovered from the dickey of the motorcycle.

4. Learned Advocate for the petitioner contended that on the fateful day one of the neighbours of the petitioner took the motorcycle of the petitioner on the pretext of attending the



marriage ceremony and the petitioner was not knowing the fact that the motorcycle had ever been used for any illegal purpose. Later on, the petitioner came to know that on account of he being the registered owner of the motorcycle, in question, his name has been implicated in this case and save and except the owner of the motorcycle, in question, there is no connection of the petitioner with the recovered illicit liquor. The aforesaid fact also fortified, as the petitioner has never been found indulge in such type of activities, having fair antecedent. There are various other infirmities in the search and seizure, coupled with non-compliance of Sections 103 and 105 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. On the other hand, learned APP for the State opposes the bail application and submits that the anticipatory bail application of the petitioner is not maintainable in view of the recovery from his motorcycle.

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 in this case on account of he being the owner of the motorcycle, in question, coupled with the infirmities in the search and the seizure; as also the petitioner has absolutely fair antecedent and the lack of the ingredients provided



under Section 76(2) of the of the Bihar Prohibition and Excise Act, 2016, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Kaimur at Bhabhua in connection with Bhagwanpur P.S. Case No. 369 of 2024, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one one the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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