

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31468 of 2025

Arising Out of PS. Case No.-211 Year-2024 Thana- Excise P.S. District- Nawada

Dilip Ram S/o- Kopardra Ram, Village- Kataiya PS- Satgawan Dist-
Koderma Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Adv.
For the Opposite Party/s : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Nawada Excise Case No. 211 of 2024 registered for the
offences punishable under Sections 30(a) and 47 of the Bihar
Prohibition and Excise Act, 2016.

3. In course of vehicle checking, the police tried to
intercept a motorcycle rider, who was coming with a sack tied
over it. However, noticing the police party, the rider of the
motorcycle succeeded in fleeing away after leaving the
motorcycle. In course of search, total 30 lts. of country made
liquor was recovered.

4. Learned counsel for the petitioner contended that,
in fact, on the fateful day, one of the neighbours was taken away



the motorcycle of the petitioner on the pretext of visiting the house of some relative and the petitioner was not knowing this fact that his motorcycle has ever been used for illicit purpose. Only on account of the petitioner being owner of the motorcycle in question, his name has been implicated in this case. The petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceedings of the Court.

5. Attention of this court has also been drawn to the infirmities in search and seizure and the submission has been made that there is no compliance of Sections 103(5) and 105 of the BNSS; all the more, the witnesses are none else but the police personnel.

6. On the other hand, learned counsel for the State opposed the bail application.

7. 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 only on account of he being owner of the motorcycle in question and no other material suggesting connection of the petitioner with the recovered illicit wine, coupled with the infirmities and the absence of ingredients attracting the provisions of Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the above named



petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-II, Nawada in connection with Nawada Excise Case No. 211 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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