

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31411 of 2025

Arising Out of PS. Case No.-284 Year-2025 Thana- Excise P.S. District- Aurangabad

Amrendra Kumar, S/o Kameshvr Singh, R/o Village- Devariya, Kashipur,
P.S.- Nararikala Khud, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-05-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Excise P.S. Case No. 284 of 2025 registered for the offences punishable under Sections 30(a), 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Allegedly in course of vehicle checking, the police intercepted a Hero Splendor Plus motorcycle, bearing registration no. BR26T 6508. However, noticing the police party, two persons riding on motorcycle succeeded in fleeing away after leaving the motorcycle. In course of search, 49.200 litres of country made liquor was recovered.

4. Learned Advocate for the petitioner contended that only on account of petitioner being the registered owner of the motorcycle, in question, has been implicated in this case. On the



fateful day, the motorcycle, in question, was taken away by one of his co-villager on the pretext of getting medical treatment, however, the petitioner has not been aware that the motorcycle, in question, has been used for illegal purpose. There are no compliance of Sections 103 and 105 of the BNSS; the witnesses are non-else, but the police personnel, though the seizure has been made on a public road. It is lastly contended that be that as it may, the petitioner has absolutely fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceedings of the court.

5. On the other hand, learned APP for the State opposes the bail application and submits that the involvement of the petitioner cannot be ruled out, as the illicit liquor has been recovered from his motorcycle.

6. Regard being had to the submissions made on behalf of the parties and considering the infirmities in the search and seizure, coupled with the fact that the name of the petitioner has been implicated only on account of he being the owner of the motorcycle, in question; having fair antecedent, as also lack of ingredients provided under Section 76(2) of the Bihar Prohibition and Excise Act, 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.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.II, Aurangabad in connection with Excise P.S. Case No. 284 of 2025, subject to the condition as laid down under 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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