

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33260 of 2025

Arising Out of PS. Case No.-44 Year-2025 Thana- BASOPATTI District- Madhubani

Bihari sada S/o Mahendra Sada R/o Village- Mahthaur, Musharitol, P.S.-
Basopatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Gagandev Yadav, Adv. Mr. Ravi Prakash, Adv. Mr. Udeshya Kr. Yadav, Adv.
For the Opposite Party/s :	Mr. Pronoti Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-05-2025 Heard the parties

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Basopatti P.S. Case No. 44 of 2025 registered for the offences punishable under Section 274, 275, 3(5) of BNS and 30(a) of the Excise Act.

3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 6 liters of country made liquor.

4. It is submitted by learned counsel appearing on behalf of the petitioner that the petitioner implicated with present case only for the reason that he is the registered owner of the motorcycle bearing registration no. BR 1 AK 0250, which found involved in carrying of illicit liquor. It is submitted that the



motorcycle of petitioner was misused by his son who is also one of the co-accused. Admittedly as per seizure list recovery of illicit liquor was not made from the physical possession of this petitioner, who is a man of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual and legal submission and by taking note of fact as, recovery of illicit liquor *prima-facie* not appears to be made from the conscious physical possession of this petitioner, who is a man of clean antecedent, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Addl. Sessions Judge II cum Special Judge, Excise Act, Madhubani / concerned Court, where the case is pending in connection with Basopatti P.S. Case No. 44 of 2025, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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