

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50789 of 2025

Arising Out of PS. Case No.-193 Year-2025 Thana- EXCISE KAHALGAON District-
Bhagalpur

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Sachin Kumar, son of Upendra Prasad Mandal @ Upendra Mandal, Resident
of Village- Pannuchak Shankarpur. P.S.- Ghogha, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar No.6, Advocate
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-08-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Excise (Kahalgaon) P.S. Case No. 193 of 2025 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act.

3. In course of vehicle checking, the police intercepted a three wheeler (Auto) and apprehended the driver along with passenger. In course of search, 45.05 litres of foreign as well as country made liquor was recovered. The name of the petitioner has been implicated in this case only on account of he being the owner of the Auto, in question.

4. Learned Advocate for the petitioner contended that admittedly the petitioner was neither found present at the place



of occurrence nor any material has surfaced during the course of investigation suggesting the complicity of the petitioner in the crime. In fact, the Auto, in question, was being run by the driver for the purposes of carrying passenger on rent and the petitioner was not aware that his Auto has ever been used for illicit purpose. It is further contended that there are various other infirmities in the search and seizure. The petitioner has got fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposes the bail application.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the fact that except the petitioner being the owner of Auto, in question, there is no material suggesting the complicity of the petitioner, which attracts the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, coupled with the fair antecedent, 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-I, Bhagalpur in connection with Excise (Kahalgaon) P.S. Case No. 193 of 2025, subject to the condition as laid down under Section 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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