

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 50704 of 2025

Arising Out of PS. Case No.-62 Year-2025 Thana- FESHAR District- Aurangabad

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Gopal Mistri @ Gopal Sharma S/O Late Suryadev Mistri R/O Village- Bel,
P.S- Obra, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Singh

For the Opposite Party/s : Mr.Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 11-08-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Fesar P.S. Case No. 62 of 2025, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The police on a tip off trafficking of illicit wine intercepted a motorcycle bearing registration No. BR02AL 2108. However, noticing the police party, one person succeeded in fleeing away and the another person was apprehended by the police. On search, total 86.4 litres of foreign liquor was recovered. The apprehended person disclosed the name of the person as Dharamveer Kumar, who succeeded in fleeing away.

4. Learned Advocate for the petitioner contended that the name of the petitioner has been implicated in this case only



on account of he being the owner of the motorcycle in question. In fact four years before institution of the FIR, the motorcycle in question had already been sold to accused Pushpendra Kumar on 07.07.2021, copy of the sale agreement has also been brought on record as Anneuxre-P/2 to the application. He further submits that the petitioner has neither any concern with the motorcycle nor with the illicit wine. All the more, the apprehended person also does not disclose the name of the petitioner as owner of the motorcycle. Since the registration of the motorcycle could not be done in the name of Pushpendra Kumar, even after the sale, the name of the petitioner has been implicated in this case.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that prima facie it appears that the petitioner is the owner of the motorcycle from where recovery of illicit wine has been made.

6. Having considered the submissions set forth by the learned Advocates for the respective parties and taking note of the fact that in course of raid, the apprehended person has disclosed the name of the co-accused Dharamveeer Kumar only; further on being found the petitioner alleged owner of the vehicle, his name has been implicated in this case; save and



except the aforesaid fact, there is no other material to connect the petitioner with the alleged recovered illicit wine, apart from the sale agreement as also the fair antecedent of the petitioner and lack of material which attracts the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No. II, Aurangabad in connection with Fesar P.S. Case No. 62 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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