

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64298 of 2025

Arising Out of PS. Case No.-25 Year-2025 Thana- NAUTAN District- Siwan

Ashok Kumar Rauniyar @ Ashok Rouniar S/O Late Vishwanath Sah @
Vishwanath Rauniyar Resident of Village- Hasua, P.S. - Nautan, District -
Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Nautan P.S. Case No. 25 of 2025, registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The allegation against the petitioner is of being involved in trafficking of illicit wine. The police conducted a raid, however, noticing the police, one person succeeded in fleeing away who was later on identified as the petitioner. In course of search, total 34.200 litres of country made liquor was recovered from a sack which was tied over the motorcycle bearing Regn. No. BR29Y3908.

4. Learned advocate for the petitioner submitted that



the name of the petitioner has been implicated in this case only on account of he being the owner of the vehicle in question. However, the said vehicle was already sold to one Punna Yadav, brother of the named accused Vikas Yadav on 03.02.2022, i.e. much prior to the date of occurrence. A copy of the sale letter has been annexed and marked as Annexure-P/2 of the application. It is submitted that despite the sale letter it is the admitted position that the vehicle could not be transferred to the name of real owner and, thus, the petitioner has been implicated in this case. The petitioner has neither any concern with the vehicle in question nor the place from where recovery has been made. The fair antecedent also fortifies the submissions recorded hereinabove. It is the contention of the petitioner that there is complete defiance of Section-103 of B.N.S.S. apart from other infirmities in the search and seizure. The witnesses to the seizure are none else but the police personnels.

5. Learned advocate for the State opposed the bail application and submits that the materials available on record clearly attract the rigours provided under Section-76(2) of Bihar Prohibition and Excise Act, 2016.

6. Having considered the submissions and the materials available on record, especially the sale letter, copy of



which has been marked as Annexure-P/2, as also the absence of the material which *prima facie* attracts the rigours provided under Section- 76(2) of Bihar Prohibition and Excise Act, 2016 as also the fair antecedent, 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 Exclusive Special Excise Court No.-II, Siwan in connection with Nautan P.S. Case No. 25 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)

K.C.Jha/-

U		T	
---	--	---	--

