

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64667 of 2025

Arising Out of PS. Case No.-93 Year-2023 Thana- Excise P.S. District- Banka

Mukesh Kumar Das, S/O Pramod Das, Resident Of Village- Turki, P.S.-
Chandan, Dist.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash Dwivedi, Adv.

For the Opposite Party/s : Mr. Bharat Lal, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Banka Excise P.S. Case No. 93 of 2023, registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act, 2016.

3. In course of vehicle checking the police intercepted
a Motorcycle bearing registration no. JH15J5845 and
apprehended two persons who were riding on the motorcycle. In
course of search, total 1.305 litres of Indian made foreign liquor
was recovered from a bag kept in the middle of both the
persons.

4. Learned Advocate appearing on behalf of the



petitioner submitted that only on account of the petitioner being registered owner of the vehicle in question, his name have been implicated in this case. Co-accused Tarun Kumar is none else but the brother of the petitioner, who on the fateful day has taken away the motorcycle and the petitioner was not knowing this fact that his vehicle had ever been used for any illicit purpose. The fair antecedent of the petitioner and his absence from the place of occurrence clearly suggest his innocence is the contention of learned Advocate for the petitioner. There are various other infirmities in the search and seizure.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that the use of the petitioner's vehicle in crime, clearly suggests his complicity.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was not even present at the place of occurrence and the recovery has been made from the possession of the co-accused persons coupled with the fair antecedent as also the absence of the materials which *prima facie* attracts the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the petitioner above named 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 Exclusive Excise Court-2, Banka in connection with Banka P.S. Case No. 93 of 2023, 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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