

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64274 of 2025

Arising Out of PS. Case No.-380 Year-2025 Thana- KISHANGANJ District- Kishanganj

Jahangir Khan @ Md. Jahangir Khan S/O Mohit Khan R/O Vill.- Hawaiadda,
Ward No. 31, P.S. and Dist.- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mohammad Akhter Hussain, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar Singh, 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 Kishanganj P.S. Case No. 380 of 2025, registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

3. In course of patrolling, the police intercepted a motorcycle bearing Regn. No. BR 37M-3347. On search, total 53.700 litres of illicit wine was recovered.

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 registered owner of the motorcycle in question. From the materials available on record, it is evident that the petitioner was neither present at the place of occurrence nor any materials have collected during the course of investigation



suggesting complicity of the petitioner in the crime. On the fateful day, the motorcycle was taken away by one of his neighbours and the petitioner was not aware of the fact that his motorcycle has ever been used for illicit purpose. The fair antecedent speaks about his innocence. There are other infirmities in the search and seizure.

5. On the other hand, learned advocate for the State opposed the bail application and submits that recovery from the motorcycle of the petitioner clearly attracts the rigours provided under Section-76(2) of Bihar Prohibition and Excise Act, 2016.

6. Having considered the submissions advanced and taking note of the materials available on record which, in the opinion of this Court, do not attract the rigours provided under Section-76(2) of Bihar Prohibition and Excise Act, 2016 as also the fair antecedent and the infirmities in the search and seizure, 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 Judge-I, Kishanganj in connection with Kishanganj P.S. Case No. 380 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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