

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64699 of 2025

Arising Out of PS. Case No.-81 Year-2022 Thana- FATEHPUR District- Gaya

Rambali Yadav, S/O Nandlal Yadav @ Nandlal Prasad, R/O Village- Tegaini,
P.S.- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

For the Opposite Party/s : Mr. Braj Kishore Prasad, 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 Fatehpur P.S. Case No. 81 of 2022 registered for the offence registered under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The police on a secret information regarding trafficking of illicit liquor conducted raid, however, noticing the police party, the accused persons, who were in six motorcycles trying to flee away, out of which riders of three motorcycles were apprehended, including the co-accused Santosh Kumar, who was riding the motorcycle, bearing registration no. BR02R 7567. In course of search, 125 litres of *Mahua* liquor was recovered from the said vehicle. It is alleged that total recovery is shown to be 615 litres of *Mahua* liquor from different places.



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, bearing registration no. BR02R 7567. On the fateful day, the vehicle, in question, was taken away by the brother of the petitioner, namely, Santosh Kumar, who was apprehended by the police with the illicit liquor, however, the petitioner was not acquainted with the fact that the vehicle, in question, has ever been used for the purposes of any illicit work and only on account of the aforesaid reason, the name of the petitioner has been implicated, though the petitioner bears fair antecedent and during the course of investigation, no other material has been collected suggesting the complicity of the petitioner. There are various other infirmities in the search and seizure, besides non-compliance of the prescription provided under Section 100 of the Cr.P.C.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the use of the petitioner's motorcycle in the crime clearly suggests his complicity.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the absence of the petitioner on the place of occurrence,



coupled with the submissions noted hereinabove and the various other infirmities in the search and seizure, as also the absence of the materials, which attract the giros provided under Section 76(2) of the of the Bihar Prohibition and Excise Act, 2016, 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 Exclusive Excise Court No.-IV, Gaya in connection with Fatehpur P.S. Case No. 81 of 2022, 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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