

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64405 of 2025

Arising Out of PS. Case No.-91 Year-2025 Thana- INDUSTRIAL AREA District- Vaishali

Balindra Kumar, Son of Mangal Ram, Resident of village- Viropur Nainha,
P.S.- Hajipur Sadar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, 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 Industrial Area P.S. Case No. 91 of 2025 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. In course of patrolling, two persons, who were coming on a motorcycle, bearing registration no. BR31BB 9064, loaded with a plastic bag, noticing the police party succeeded in fleeing away, after leaving the motorcycle, in question. In course of search, total 50 litres of country made liquor was recovered.

4. Learned Advocate for the petitioner submitted that the name of the petitioner has been implicated only on account of the petitioner being the registered owner of the motorcycle, in



question, however, the petitioner has nothing to do with the illicit liquor. In fact, on the fateful day, the motorcycle, in question, was taken away by one of the neighbours of the petitioner and the petitioner was not knowing the fact as to whether his vehicle has ever been used for any illicit purpose. There is non-compliance of Sections 103 and 105 of the Bharatiya Nagarik Suraksha Sanhita, 2023; moreover, the witnesses are non-else, but the police personnel. The petitioner undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposed the bail application and submits that besides one criminal antecedent of the petitioner, the use of his 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 materials available on record, especially the fact that the petitioner has not been identified by the police personnel at the place of occurrence, coupled with the infirmities in search and seizure, as also, *prima facie*, the materials, which do not attract the rigors 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 Special, Excise Court No.1, Vaishali at Hajipur in connection with Industrial Area P.S. Case No. 91 of 2025, 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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