

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64600 of 2025

Arising Out of PS. Case No.-199 Year-2025 Thana- DHORAIYA District- Banka

Mangal Das, S/O Lagin Das, Resident of Village- Bazar, P.S.- Dhoriya, Distt-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ayushman, Adv.

For the Opposite Party/s : Mr. M.K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard learned Advocate for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Dhoriya P.S. Case No.199 of 2025 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. The police in course of vehicle checking intercepted two persons, who were coming on a motorcycle; on search, total 6.750 lts. of illicit wine was recovered.

4. Learned Advocate for the petitioner contended that the name of the petitioner has been implicated in this case only on account of he being owner of the vehicle in question. However, on the fateful day, the vehicle in question was taken away by one of the neighbours of the petitioner on the pretext of



bringing medicine and the petitioner was not knowing this fact that his vehicle has ever been used for any illicit purpose. The petitioner was not found present at the place of occurrence. All the more, there are various other infirmities in the search and seizure. The petitioner bears fair antecedent.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that use of vehicle in the crime in question clearly suggests complicity of the petitioner.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the fact that the petitioner was not found present at the place of occurrence, coupled with the absence of materials, which *prima facie*, attract the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 as also the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Banka in connection with Dhoriya P.S. Case No.199 of 2025, subject to the condition as



laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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