

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64710 of 2025

Arising Out of PS. Case No.-114 Year-2025 Thana- Excise P.S. District- Gopalganj

Sanjay Sah @ Sanjay Gupta S/O Gafur Sah Resident of Purkhas, Bodh
Chhapar, P.S. - Kuchaikote, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Excise P.S. Case No. 114 of 2025 registered for the offences punishable under Sections 30(a), 32 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. During vehicle checking, the police intercepted a person, who was riding on a motorcycle bearing registration No. UP57AB2306 and in course of search total 14 litres of *banti babli* country made liquor 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. Co-accused person, who was apprehended with the motorcycle, is said to be distant relative of the petitioner and on



the fateful day, he had taken away the motorcycle on the pretext of bringing some household articles and the petitioner was not knowing this fact that his vehicle has ever been used for the purposes of illicit wine. No recovery has been made from the whereabouts of the petitioner; all the more there are various other infirmities in search and seizure, besides non-compliance of Section 103 of BNSS. 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 the vehicle in the crime clearly speaks about his involvement.

6. Having considered the submissions advanced and the materials available on record, especially the absence of the petitioner on the place of occurrence and the submissions made hereinabove, coupled with the fair antecedent and infirmities in the search and seizure, besides absence of the material attracting rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, 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



Judge, Court No. II, Siwan in connection with Excise P.S. Case No. 114 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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