

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64353 of 2025

Arising Out of PS. Case No.-81 Year-2025 Thana- SUGAULI District- East Champaran

Basant Kumar Singh, Son of Late Ramraj Singh, R/o Village - Hasanpur
Juned, P.S. - Manhar, Dist. - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Adv.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Sugauli P.S. Case No. 81 of 2025, registered for the
offences punishable under Sections 30(a) of the Excise Act.

3. The police in course of vehicle checking
intercepted two vehicles and apprehended 8 persons who were
sitting therein. From the vehicle bearing Registration No. BR-
01-DT-8850 altogether 183.12 litres illicit wine was recovered,
whereas from another vehicle bearing Registration No. BR-01-
DD-8459 altogether 172.47 litres illicit wine was recovered.

4. Learned Advocate appearing on behalf of the
petitioner submitted that only on account of the petitioner being



owner of one of the vehicle in question, his name has been implicated in this case. It is the admitted position that the petitioner was neither present at the place of occurrence, nor during the investigation any cogent material has come suggesting his complicity. Taking note of the aforesaid facts and the infirmities in the search and seizure, one of the co-accused persons who is said to be owner of another vehicle has been extended the privilege of anticipatory bail by a co-ordinate Bench of this Court in Criminal Miscellaneous No. 54231 of 2025 vide order dated 08.08.2025. It is the specific contention of the petitioner that on the alleged fateful day, the vehicle was taken away by one of his neighbours and the petitioner was not aware as to whether the vehicle had ever been used for any illicit purpose. The petitioner bears fair antecedent and he undertakes that he would fully cooperate in the investigation and the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the use of the vehicle in the crime clearly attracts the the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016.

6. Having considered the submissions advanced and



the materials available on record as also the case of the petitioner stands on similar footing, besides the lack of direct materials which attract the rigors provided of Section 76(2) of the Bihar Prohibition and Excise Act, 2016, coupled with the fair antecedent, let the petitioner above named 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.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Special Judge, Excise Court No. 01, East Champaran, Motihari in connection with Sugauli P.S. Case No. 81 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)

supratim/-

U		T	
---	--	---	--

