

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64610 of 2025

Arising Out of PS. Case No.-106 Year-2025 Thana- PAUTHU District- Aurangabad

Satyendra Kumar Yadav S/o- Awadhesh Yadav Village- Jangal Dih Ps- Guraru
Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Mukul Kumari, Advocate

For the Opposite Party/s : Mr.Rajiv Nayan, 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 G.R. No. 1517 of 2025, arising out of Pauthu P.S. Case No. 106 of 2025, registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The police, in course of vehicle checking, intercepted a motorcycle bearing Regn. No. BR 02BN 3457, however, noticing the police party, the person who was riding the motorcycle succeeded in fleeing away. In course of search, total 10 litres of country made liquor was recovered from the dicky of the motorcycle, besides 60 litres kept in a sack and thereby total 70 litres of country made liquor was recovered.

4. Learned advocate for the petitioner submitted that



only on account of the petitioner being a registered owner of the seized motorcycle his name has been implicated in this case. There is complete defiance of the prescriptions provided in Section-103 of B.N.S.S. More over, on the fateful day the motorcycle was taken away by one of the neighbours of the petitioner on the pretext of bringing some household articles and he was not knowing this fact that the vehicle has ever been used for illicit purpose. The petitioner bears fair antecedent and he undertakes that he will fully co-operate in the investigation and proceeding of the Court.

5. Learned advocate for the State opposed the bail application and submits that the use of the petitioner's vehicle clearly suggests his complicity in the crime.

6. Having considered the submissions advanced and taking note of the materials available on record, especially infirmities in the search and seizure, coupled with the fact that there is no material suggesting that petitioner was present at the place of occurrence and only on account of he being the owner, his name has been implicated and, thus, *prima facie* the rigours provided under Section- 76(2) of Bihar Prohibition and Excise Act, 2016 does not attract as also the fair antecedent, 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 Special Judge of Excise-II, Aurangabad in connection with G.R. No. 1517 of 2025, arising out of Pauthu P.S. Case No. 106 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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