

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64714 of 2025

Arising Out of PS. Case No.-354 Year-2025 Thana- PAROO District- Muzaffarpur

Nikhil Kumar S/O Sudish Rai R/O Village- Chintamanpur, Police Station-
Paru, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Paru P.S. Case No. 354 of 2025 registered for the offences punishable under Sections 30(a), 34, 36 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The allegation against the petitioner along with other co-accused persons is of indulged in manufacturing of illicit wine. The police on secret information conducted a raid. However, noticing the police party, the persons who were present at the place of occurrence, succeeded in fleeing away but later on identified by the village Chowkidar. In course of search, 121.185 litres of illicit wine was recovered from a bush. Further, one motorcycle bearing Registration No. BR06AS-3436 was also seized from which 20 litres of illicit wine was



recovered.

4. Learned Advocate for the petitioner submitted that the petitioner has neither any concern with the motorcycle in question nor with the illicit wine. Moreover, the alleged recovery has been made from an open place easily accessible to all and for any recovery the petitioner cannot be held responsible. The petitioner is man of fair antecedent and undertakes that he will fully cooperate in the proceeding of the court. The identification of the petitioner by the local Chowkidar does not inspire confidence as both of them are resident of different places. There had been no compliance of the provision of Section 103 of the BNSS, besides other infirmities in the search and seizure.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record which, *prima facie* do not attract the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, coupled with the fact that the petitioner has no concern with the motorcycle in question and the alleged recovery has been made from an open place, 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, Excise -II, Muzaffarpur in connection with Paru P.S. Case No. 354 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)

Anjani/-

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

