

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66342 of 2025

Arising Out of PS. Case No.-484 Year-2025 Thana- Excise P.S. District- Kaimur (Bhabua)

Mohit Kumar @ Moti Kumar S/O Munna Ram Resident of Vill.- Manihari,
P.S.- Bhabhua, Dist.- Kaimur (Bhabhua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Adv.

For the Opposite Party/s : Md. Anzarul Haque Sahara, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Excise Bhabhua P.S. Case No. 484 of 2025, registered for the offences under Section 30(a), 32(1)(3), 41(1) (ii) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, from a car in which the petitioner has been traveling, recovery of 81 litre of country made liquor was made. The petitioner and the co-accused persons tried to flee away but the petitioner was apprehended when the police gave a chase and the co-accused driver is stated to have fled away from the spot.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been



falsely implicated in this case. Learned counsel further submits that nothing incriminating has been recovered from conscious possession of this petitioner. The petitioner has no concern with the vehicle from which recovery has been made. The actual culprits fled away and the petitioner was apprehended on suspicion. Learned counsel further submits that there is non-compliance of the provisions of search and seizure and there is no material to show the complicity of the petitioner who is having clean antecedent. The petitioner is in custody since 03.08.2025.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the clean antecedent of the petitioner and period of custody, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Kaimur at Bhabhua/concerned court, in connection with Excise Bhabhua P.S. Case No. 484 of 2025, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:



- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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