

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68673 of 2025

Arising Out of PS. Case No.-86 Year-2025 Thana- VISHAMBHARPUR District- Gopalganj

Dhiraj Yadav S/o- Ramekbal Yadav, Resident of village- Baliwan Rajmal PS-
Bishambharpur District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Priyadarshni Kumari, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-10-2025 Heard learned Advocate for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Bishambharpur P.S. Case No.86 of 2025 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The police on a secret information intercepted two persons, who were coming on their respective motorcycles; however, noticing the police party, they succeeded in fleeing away leaving their motorcycles. On search, total 83 lts. of illicit wine was recovered from both the motorcycles.

4. Learned Advocate for the petitioner submitted that the petitioner has neither any concern with the motorcycle in question from where recovery has been shown nor with the



recovered illicit wine. The identification of the petitioner by the police personnel also does not inspire confidence. Moreover, it is only the criminal antecedent of the petitioner, which is said to be one of the reasons for his false implication in the crime. The allegation even if it is taken to be true for the sake of argument, it does not attract the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016. Besides the aforesaid fact, there are various other infirmities in the search and seizure, is the contention of the learned Advocate for the petitioner.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the criminal antecedent of the petitioner besides his identification by the police clearly reveals his complicity in the crime.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the fact that the petitioner has no concern with the illicit wine, besides no material has been collected during the course of investigation pointing towards his complicity as also the lack of materials attracting rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four



weeks from today, on furnishing bail bond of Rs. 20,000/-
(Twenty thousand) with two sureties of the like amount each to
the satisfaction of learned Additional District & Sessions Judge-
IV-cum-Spl. Excise Court No.-II, Gopalganj in connection with
Bishambharpur P.S. Case No.86 of 2025, subject to the
condition as laid down under Section 482(2) of the BNSS, with
further condition that one of the bailors shall be the own/close
family members of the petitioner.

(Harish Kumar, J)

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