

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68785 of 2025

Arising Out of PS. Case No.-28 Year-2025 Thana- Excise P.S. District- Kishanganj

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Bijay Jha, Son of Akhileshwar Jha, R/o Kaliyaganj, Taiyabpur, P.S. - Pothia,
Dist. - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

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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 Kishanganj Utpad P.S. Case No.28 of 2025 registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

3. In course of patrolling duty, the police intercepted one scooty rider. On search, total, 13.410 lts. of Indian Made Foreign Liquor was recovered from a bag carried by the apprehended person.

4. Learned Advocate for the petitioner submitted that the person who was apprehended is none else but the son-in-law of the petitioner. On the fateful day, the accused person had gone to bring some household articles and the petitioner was not



acquainted with the fact that his vehicle has ever been used for illicit purpose. Even during the course of investigation, no material has collected, which suggests the complicity of the petitioner in crime. There is further infirmities in the search and seizure. The petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the bail application and submitted that the use of the vehicle in question in the crime clearly suggests complicity of the petitioner, besides rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016.

6. Regard being had to the submissions made on behalf of the parties and taking note of the fact that the petitioner was neither present nearby the place of occurrence nor any cogent material has been collected during the course of investigation, showing complicity of the petitioner; save and except the petitioner is owner of the vehicle, apart from his fair antecedent as also the lack of materials attracting the 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. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-II, Kishanganj in connection with Kishanganj Utpad P.S. Case No.28 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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