

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71537 of 2025**

Arising Out of PS. Case No.-710 Year-2025 Thana- Excise P.S. District-
Aurangabad

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Bhushan Kumar Singh @ Bhushan Singh S/o Late Laxmi Singh R/o
Village- Ankupa, P.S.- Kutumba, Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukul Kumari, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 16-10-2025 Heard learned Advocate for the petitioner and

learned APP for the State.

2. The petitioner apprehends his arrest in connection with G.R. No. 1277/2025 arising out of Excise P.S. Case No. 710 of 2025, registered for the offences punishable under Sections 30(a), 32(3) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. In course of vehicle checking, the police intercepted a motorcycle bearing registration No. BR 26W 7462, however, noticing the police party, one Ankit Kumar, who was riding the motorcycle, succeeded in fleeing away. On search, total 100 liters country liquor was recovered from the motorcycle.



4. Learned Advocate for the petitioner taking this Court to the F.I.R. contended that allegedly at the time of occurrence, one Ankit Kumar, was driving the motorcycle, who is none-else but the son of the petitioner. Only on account of the petitioner being the registered owner of the motorcycle in question, his name has been implicated in this case without there being any material suggesting his complicity in the crime. On the alleged date of occurrence, the son of the petitioner had taken the motorcycle for a ride and the petitioner was not knowing this fact that his motorcycle has ever been used for illicit purpose. All the more, there is various other infirmities in the search and seizure coupled with the non-compliance of Section 103 of the BNSS. The materials available on record, in the submission of learned Advocate for the petitioner, is not sufficient to attract the rigours provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016.

5. On the other hand, learned Advocate for the State, vehemently, opposed the bail application and submitted that the use of the motorcycle of the petitioner in the crime clearly suggest his complicity.

6. Regard being had to the submissions set forth by



the learned Advocate for the respective parties and considering the materials available on record as also the fact that save and except the petitioner being the owner of the motorcycle in question, there are no other materials, besides the various infirmities in the search and seizure as also the fair antecedent of the petitioner, 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 Special Judge, Excise-II, Aurangabad in connection with G.R. No. 1277 of 2025 arising out of Excise P.S. Case No. 710 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS.

brajesh/-

(Harish Kumar, J)

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