

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71562 of 2025

Arising Out of PS. Case No.-277 Year-2025 Thana- Daudnagar Excise District- Aurangabad

Satyendra Chaudhary, Son of Banshi Chaudhary, Resident of Village-
Raghunath Bigha Koilwa, P.S.- Haspura, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar No.6, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-10-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Daudnagar Excise P.S. Case No. 277 of 2025 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. In course of vehicle checking, the police intercepted two persons, who were coming on a motorcycle. In course of search, total 42 litres of illicit fermented liquor was recovered. The apprehended person disclosed the name of the petitioner, as owner of the petitioner.

4. Learned Advocate for the petitioner submitted that on the fateful day one of the neighbour of the petitioner had taken the motorcycle, in question, on the pretext of bringing some medicines and the petitioner was not knowing the fact that



his motorcycle has ever been used for any illicit purpose. Admittedly the petitioner was not seen nearby the place of occurrence nor during the course of investigation any material has been collected suggesting his complicity in the crime. The reason behind the false implication of the petitioner is said to be the one of the criminal antecedent of identical nature. There are other various infirmities in the search and seizure, besides non-compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

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

6. Regard being had to the submissions advanced by the learned Advocate for respective parties and taking note of the fact that save and except the petitioner being the owner of the motorcycle, in question, no other cogent material has come pointing towards the complicity of the petitioner in the crime, besides the infirmities pointed out in the search and seizure, as also lack of the materials, which attract the rigors provided under Section 76(2) of the of the Bihar Prohibition and Excise Act, 2016, let the petitioner, named above, in the event of his



arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Aurangabad in connection with Daudnagar Excise P.S. Case No. 277 of 2025, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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