

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71550 of 2025

Arising Out of PS. Case No.-124 Year-2025 Thana- HARLAKHI District- Madhubani

Dharmendra Kumar Sahu, S/o- Parikshan Sahu, R/o- Dhajwa, Nurchak, P.S-
Bisfi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar @ Ashok Karn, Advocate

For the Opposite Party/s : Mr. Akbar Ali, 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 Harlakhi P.S. Case No. 124 of 2025 registered for the offences punishable under Sections 274, 275 of the Bharatiya Nyaya Sanhita, 2023 and Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The police on suspicion apprehended a person, who was riding on a motorcycle, bearing registration no. BR32AZ 0687. In course of search, total 24 litres of *Nepali* liquor was recovered.

4. Learned Advocate for the petitioner submitted that on the fateful day, the motorcycle, in question, was taken away by one Pradhan Kumar, who happens to be close relative of the petitioner, on the pretext of bringing some household articles,



however the petitioner was not acquainted with the fact that his vehicle has ever been used for illicit purpose. Save and except the petitioner being the owner of the motorcycle, in question, there is no other material suggesting his complicity in the crime. The aforesaid submission is also strengthened from the fair antecedent of the petitioner. The infirmities have also been pointed out by the learned Advocate for the petitioner in search and seizure.

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 in the crime clearly suggests his complicity.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was not present at the place of occurrence, at the time of alleged seizure of the motorcycle; all the more, except the materials suggesting the petitioner being the owner of the motorcycle, in question, there is no other cogent material collected during the course of investigation, coupled with the fair antecedent as also lack of sufficient materials attracting 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 Exclusive Special Judge, Excise, Madhubani in connection with Harlakhi P.S. Case No. 124 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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