

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71568 of 2025**

Arising Out of PS. Case No.-187 Year-2025 Thana- BHAWANIPUR District- Purnia

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Amit Kumar, S/O Muralidhar Mandal, R/O Vill.- Lathi Isamalpur, P.S.- Akbarpur, Dist.- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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**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 Bhawanipur P.S. Case No. 187 of 2025 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The allegation against the petitioner is of trafficking of illicit liquor. The police in course of vehicle checking tried to intercept the petitioner, who was coming on a motorcycle. However, noticing the police party, the petitioner is alleged to have succeeded in fleeing away. On search, total 14 litres of country made liquor was recovered.

4. Learned Advocate for the petitioner submitted that the petitioner has neither any concern with the seized motorcycle nor with the illicit liquor. Only on suspicion, the



name of the petitioner has been implicated in this case. Besides the aforesaid fact, there are other infirmities in the search and seizure, coupled with the non-compliance of Sections 103 and 105 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The fair antecedent of the petitioner clearly suggests his none participation in the crime and he undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has no concern with the motorcycle, in question, from where recovery has been made, besides various other infirmities in the search and seizure, as pointed out by the learned Advocate for the petitioner and the lack of the materials, which attracts 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 Court No.2, Purnea in connection with /Bhawanipur P.S. Case No. 187 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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