

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71608 of 2025

Arising Out of PS. Case No.-246 Year-2022 Thana- KALUAHI District- Madhubani

Ganesh Kumar @ Ganesh Kumar Yadav, Son of Sukhdeo Yadav, Resident of
village - Paraul, P.S.- Arer, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Satyendran Narayan Singh, 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 Kaluahi P.S. Case No. 246 of 2022 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The police intercepted a motorcycle and apprehended two persons. In course of search, total 51 litres of *Nepali* liquor was recovered. The petitioner is said to be the owner of the motorcycle, in question.

4. Learned Advocate for the petitioner submitted that save and except the petitioner being the owner of the motorcycle, in question, there is no material suggesting the complicity of the petitioner in the crime. On the fateful day, the



motorcycle, in question, was taken away by co-accused Ram Ganesh Yadav on the pretext of bringing some household articles and the petitioner was not knowing the fact that his motorcycle has ever been used for any illegal purpose. Besides the aforesaid submission, various other infirmities in the search and seizure has also been pointed out. The petitioner bears fair antecedent 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 vehemently opposed the bail application and submits that the use of the motorcycle of the petitioner clearly suggests his involvement in the crime.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the allegation that the petitioner was not even present at the place of occurrence and only on account of he being the owner of the motorcycle, in question, his name has been implicated, besides his fair antecedent and the infirmity in the search and seizure; and lack of materials attracting 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 Kaluahi P.S. Case No. 246 of 2022, 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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