

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87829 of 2025

Arising Out of PS. Case No.-127 Year-2025 Thana- EXCISE GOGRI District- Khagaria

Kundan Yadav son of Dalal Yadav Resident of Village -Katha ward No 6, PS-
Gogri, District-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh, Advocate.

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-12-2025 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Gogri Excise P.S. Case No. 127 of 2025 registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act as amended up-to-date.

3. Allegation is of recovery of 5 litres of illicit liquor from a motorcycle bearing Registration No. BR 34X8609.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner has no concern either with the seized liquor or the seized motorcycle or trade of liquor in any manner. On these grounds, the petitioner seeks to be released on pre-arrest bail.



5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties, I find that the learned District Court under such circumstances is required to verify from the District Transport Officer concerned whether the motorcycle in question is stolen one on the basis of its ownership, registration number, engine number and chassis number.

7. If it is found that the motorcycle in question is not stolen one and is not registered in the name of the petitioner, then in that case, the petitioner, above named, be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending, in connection with Gogri Excise P.S. Case No. 127 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS.

8. The District Transport Officer concerned is directed to furnish the report before the learned District Court well within a period of two weeks. In case of failure, the learned



District Court can proceed against the District Transport Officer in accordance with law.

9. The District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

10. The Superintendent of Police concerned is directed to submit his report in respect of the vehicle in question on the basis of its ownership, registration number, engine number and chassis number. The report must be sent to the Chief Secretary, Government of Bihar and the Director General of Police (D.G.P.), Bihar, giving reason, as to why, he has failed to implement prohibition within his jurisdiction.

11. The present bail application stands disposed of.

(Purnendu Singh, J)

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