

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18058 of 2026

Arising Out of PS. Case No.-133 Year-2025 Thana- ARER District- Madhubani

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Dipu @ Dipu Kamat @ Digamber Kamat son of Laxmi Kamat @ Laxman
Kamat R/o village - Phent , (Phait) , p.s- Basopatti, District - Madhubani
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagandeo Yadav, Advocate
Mr. Ravi Prakash, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 06-04-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 274, 275 and 3(5) of
the B.N.S. and Section 30 (a) of the Bihar Prohibition and
Excise Act, 2022.

3. A bare perusal of the first information report and the
seizure list would go to show that 108 liters of foreign liquor
has been recovered from a motorcycle, which was parked in an
orchard of one Dhirendra Prasad Singh.

4. It is submitted by learned counsel for the petitioner that
the petitioner is not named in the F.I.R. The name of the
petitioner has surfaced in this case being the owner of the said
motorcycle. The petitioner has no knowledge whatsoever how
the liquor was recovered from the said motorcycle. It is further



submitted that the place of recovery is an open place and easily accessible to anyone, hence no responsibility can be fixed on the petitioner. It is further submitted that there is violation of mandatory provision in search and seizure as also there is no eye witness to the said seizure list. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case as well as the fact that the petitioner is the registered owner of the said motorcycle and has no criminal antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Arer P.S. Case No.133 of 2025, subject to the condition as laid down under Section 482 (2) Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

(Soni Shrivastava, J)

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