

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23564 of 2026

Arising Out of PS. Case No.-83 Year-2025 Thana- Shivnarayanpur District- Bhagalpur

1. Pappu Kumar Yadav S/o Ramsi Yadav, R/o vill- Sabalpur, P.S- Pirpanti, Dist.- Bhagalpur.
2. Vipin Yadav @ Vipin Kr. Yadav, S/o Yamuna Yadav, R/o vill-Purani Sahebganj, P.S. and Dist.- Sahebganj, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 03-06-2026 Heard learned Advocate for the petitioners and
learned Advocate for the State through virtual mode.

2. The petitioners apprehend their arrest in connection with Shivnarayanpur P.S. Case No.83 of 2025 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Acting upon a tip-off regarding transporting of illicit wine, the police intercepted a Tractor and apprehended its driver. In course of search, total 192.00 litres of illicit wine was recovered. The apprehended person disclosed the name of petitioner no. 2 as owner of the Tractor. The name of petitioner no. 1 has further been implicated in this case on being found



him original owner of the Tractor.

4. Learned Advocate for the petitioners submitted that though petitioner no. 1 was the registered owner of the Tractor in question, but subsequently he sold the same to petitioner no.2, Vipin Yadav. It is further submitted that on the alleged date of occurrence, the Tractor in question which is ordinarily used for the transportation of goods, had been taken by co-accused Bhim Mandal for carrying straw. The petitioners had no knowledge whatsoever that the vehicle would be used for any illicit purpose. Neither the petitioners had any concern with the illicit liquor nor had they ever instructed or authorized anyone to use the Tractor for the transportation of such liquor. Thus, the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act 2016 (for short 'the Act, 2016') does not attract in the case in hand. Nothing has been recovered from the conscious or constructive possession of the petitioners and moreover, there is complete defiance of Sections 103 and 105 of the BNSS; besides, the petitioners are carrying fair antecedent.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that since the petitioners are the owners of the Tractor from which the alleged recovery was made, their complicity in the commission of the offence cannot be ruled out.



6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the fact that the Tractor in question was being used for the transportation of goods on rent and there is no other materials suggesting the complicity of the petitioners in the crime or the illicit liquor was being transported at their instance, besides their fair antecedent and lack of materials attracting the rigors provided under Section 76(2) of the Act 2016, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-XII Exclusive Special Excise Judge-II, Bhagalpur in connection with Shivnarayanpur P.S. Case No.83 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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