

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35366 of 2026**

Arising Out of PS. Case No.-30 Year-2026 Thana- MAIRWAN District- Siwan

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Ramjeet Choudhary, S/o Anwat Choudhari, R/o Village- Makhdum Sarai,
P.S.- Siwan, Town, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Prasad Yadav, Advocate
For the Opposite Party/s : Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-06-2026 Heard learned Advocate for the petitioner and the

learned APP for the State through virtual mode.

2. The petitioner is apprehending his arrest in connection with Mairwa P.S. Case No. 30 of 2026 registered for the offences under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Acting on a tip off, the police conducted vehicle checking and intercepted two motorcycles, however, noticing the police party, the accused persons succeeded in fleeing away after leaving the motorcycles. On search, total 27 litres of country made illicit liquor is said to have been recovered from Hero Spender Pro Motorcycle, bearing registration no. BR29AR 9781, whereas 18 litres of country made illicit liquor was recovered from Honda Shine SP motorcycle, bearing



registration No. BR28AB 0961.

4. Learned Advocate for the petitioner submitted that only on account of the fact that the petitioner being the owner of the Hero Splender Pro Motorcycle, his name has been implicated in this case. In fact, on the alleged date of occurrence, the motorcycle, in question, was taken away by one of the villager on the pretext of bringing some household articles and the petitioner has even no knowledge that his motorcycle was used for illicit purpose. During the course of investigation, no material has come which suggests the complicity of the petitioner in the crime. The aforesaid fact has also strengthened on account of his antecedent. There is no compliance of mandatory provision as required under Sections 103 and 105 of the BNSS. The petitioner undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that besides the rigor provided under Section 76(2) of the Bihar Prohibition and Excise (Amendment) Act, the motorcycle, in question, belongs to the petitioner, which was recovered at the place of occurrence.

6. Having considered the submissions advanced on



behalf of the learned Advocate for the respective parties and taking note of the fact that save and except the material that the petitioner being the owner of the motorcycle, in question, there is nothing, which suggests that he was trafficking the illicit liquor, besides the serious deficiency in search and seizure, as also the fair antecedent and the absence of cogent materials, which attract the rigors provided under Section 76(2) of the Bihar Prohibition and Excise (Amendment) Act, 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 Excise, Court No.1, Siwan in connection with Mairwa P.S. Case No. 30 of 2026, 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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