

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39133 of 2026

Arising Out of PS. Case No.-262 Year-2024 Thana- Excise P.S. District- Supaul

Prince Kumar, S/o Mahanand Kumar Yadav, R/o Vill- Ufrail, P.S.- K.Hat,
Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Adv.

For the Opposite Party/s : Mrs. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-06-2026 Heard learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Supaul Excise P.S. Case No. 262 of 2024 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. On the fateful day, while the police was engaged in vehicle checking, in the meanwhile, they saw a suspected vehicle rider and when they tried to apprehend, he succeeded in fleeing away after leaving his motorcycle, bearing registration no. BR50F 7220. In course of search, six litres of Nepali country made liquor was recovered.

4. Learned Advocate for the petitioner submitted that only on account of the petitioner being the owner of the



motorcycle, in question, his name has been implicated in this case. It is not the case of the prosecution that the petitioner was found present at the place of occurrence or he has been identified by anyone. On the alleged date of occurrence, the vehicle, in question, was taken away by one of his villager on the pretext of bringing some household articles and the petitioner was not aware of the fact that his motorcycle has ever been used for illicit purpose. There is complete defiance of Sections 103 and 105 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and there is no material to attract the rigors provided under Section 76(2) of the of the Bihar Prohibition and Excise (Amendment) Act. The petitioner bears fair antecedent and he 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 the use of the motorcycle of the petitioner in crime clearly suggests his complicity, besides there is a bar to maintain anticipatory bail.

6. Having considered the submissions advanced on behalf of the learned Advocate for the respective parties and taking note of the fact that no incriminating material has been



collected during the course of investigation, which suggests the complicity of the petitioner in the crime and it was within his knowledge that his motorcycle has been used in the crime, besides there is lack of materials, which attracts the rigors provided under Section 76(2) of the of the Bihar Prohibition and Excise (Amendment) Act, as also the fair antecedent of the petitioner, 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 Court No.2, Supaul/Successor Court in connection with Supaul P.S. Case No. 262 of 2024, 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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