

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40501 of 2026

Arising Out of PS. Case No.-2 Year-2025 Thana- KUCHILA District- Kaimur (Bhabua)

Arbind Tiwari, S/o Laxman Tiwari @ Lakshman Tiwari, Resident of Village-
Ojhawaliya, P.S.- Kochas, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-07-2026 Heard learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Kuchila P.S. Case No. 02 of 2025 registered for the offences under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Allegedly in course of vehicle checking, the police intercepted two motorcycles and apprehended three persons and in course of search altogether 50.295 litres of illicit liquor was recovered.

4. Learned Advocate for the petitioner submitted that only on account of the petitioner being the owner of one of the motorcycle, in question, bearing registration no. BR24AK 3295, his name has been implicated in this case without there being



any cogent material showing nexus of the petitioner with the apprehended person or the alleged recovered illicit liquor. In fact, prior to the occurrence, the motorcycle was being run by one Abhinandan Yadav, who has undertaken that he will purchase the said motorcycle, but till date the same could not be done and the ownership has not been transferred. There is serious discrepancies in the search and seizure, besides defiance of Sections 103 and 105 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the proceedings of the court.

5. On the other hand, learned APP for the State opposes the bail application and submits that use of the motorcycle of the petitioner in the crime clearly suggests his complicity, hence the anticipatory bail is not maintainable in accordance with Section 76(2) of the Bihar Prohibition and Excise Act, 2016.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the fact that save and except the allegation that the petitioner being the owner of the motorcycle, in question, his name has been implicated in this case, but without there being any cogent



material suggesting his complicity, as also the fact that the petitioner bears fair antecedent and there is lack of materials which attract the rigors provided under Section 76(2) of the Bihar Prohibition and Excise 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 Special Judge (Excise-II) Kaimur at Bhabua in connection with Kuchila P.S. Case No. 02 of 2025, 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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