

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48263 of 2026

Arising Out of PS. Case No.-41 Year-2026 Thana- Chainpur District- Siwan

Hereram Sah Son of Ram Prasad Sah Resident of Village -Telia Dih PS-
Rasulpur Dist -Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Prasad Yadav, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2026 Heard the learned Advocate for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Chainpur P.S. Case No. 41 of 2026, registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. The police on a secret information that two named accused persons coming on a motorcycle are carrying illicit wine apprehended them and in course of search, recovered 48.200 litres illicit wine.

4. Learned Advocate for the petitioner submitted that the name of the petitioner has been implicated in this case by virtue of he being owner of the motorcycle in question, which was seized at the place of occurrence and being driven by one of



the co-accused persons. In fact on alleged date of occurrence, the motorcycle was taken away by one of the co-accused person, who is said to be relative of the petitioner. However, the petitioner was not knowing this fact that his motorcycle had ever been used for any illicit purposes. It is the admitted position that none of the witnesses have disclosed about the presence of the petitioner nearby the place of occurrence. During the course of investigation, no other materials have collected, which suggest the complicity of the petitioner in crime and, as such, there is complete absence of the materials which attracts the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act. It is lastly contended that petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submits that the use of the vehicle of the petitioner in the crime completely suggest his complicity.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the material suggesting the petitioner being owner of the motorcycle, in question, there is no other material pointing the



complicity of the petitioner in crime, besides the petitioner bears fair antecedent and the motorcycle was taken away by one of his relatives and other cogent materials which do not attract the rigors to maintain the anticipatory bail as also the fair antecedent of the petitioner, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Court No.-2, Siwan in connection with Chainpur P.S. Case No. 41 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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