

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 51193 of 2026

Arising Out of PS. Case No.-71 Year-2022 Thana- DEODHA District- Madhubani

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Premnath Prasad Son of Bisheshwar Prasad Sah @ Bisheshwar Prasad
Resident of Village- Jaynagar, Ward No. 6, Vidyanagar, Kamla Road, P.S.-
Jaynagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Murari Narain Chaudhary

For the Opposite Party/s : Mr.Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2026 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Deodha P.S. Case No. 71 of 2022, registered for the offences punishable under Sections 272, 273, 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Suspecting that two persons riding on two motorcycles were carrying illicit liquor, the police intercepted them and seized the motorcycles. In course of search, total 171 litres of illicit liquor was recovered from both the motorcycles.

4. Learned Advocate for the petitioner submitted that the name of the petitioner has been implicated in this case by



virtue of he being the owner of one of the motorcycle bearing Registration No. BR-32K-7193. However it is submitted that the said motorcycle had already been sold on 12.10.2020 to one Bhagwan Yadav and in this regard a duly notarized affidavit has been brought on record. It is further contended that there is no compliance of Sections 103(4) and 105 of the BNSS. Moreover, nothing has been recovered from the conscious or constructive possession of the petitioner and, as such, the rigors provided under Section 76(2) of the Excise Act would not be applicable. The petitioner bears fair antecedent.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application.

6. Having considered the submissions advanced on behalf of the respective parties and taking note of the fact that the name of the petitioner has been implicated only by virtue of he being the owner of one of the motorcycle in question, that has already been sold to one Bhagwan Yadav, besides there is non-compliance of the statutory prescription of BNSS as well as the fair antecedent of the petitioner, let the petitioner abovenamed 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 Exclusive Special Judge, Excise, Madhubani in connection with Deodha P.S. Case No. 71 of 2022, (G.R. No. 1172 of 2022), 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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