

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51073 of 2026

Arising Out of PS. Case No.-60 Year-2026 Thana- NAVINAGAR District- Aurangabad

Sanjay Singh S/o Prabhu Singh R/o Village- Tol, P.S- Nabinagar, Dist- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Adv.

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2026 Heard learned Advocate for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Nabinagar P.S. Case No. 60 of 2026 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Suspecting that a person was transporting illicit liquor on a motorcycle, the police attempted to apprehend him. However, he managed to flee from the spot, abandoning the motorcycle. Upon search of the motorcycle, 45 litres of country-made liquor was recovered.

4. Learned Advocate for the petitioner contended that the petitioner is neither the owner of the motorcycle in question nor has any concern with the illicit liquor allegedly recovered



therefrom. It is further contended that the motorcycle was registered in the name of the petitioner's son, namely, Sachin Kumar, who had passed away in the year 2021. According to the petitioner, on the fateful day, one of the villagers had taken away the motorcycle on the pretext of purchasing certain household articles, and the petitioner was not even aware that the said motorcycle was being used for any illicit purpose. It is next contended that the petitioner has been falsely implicated in the present case merely because he is the father of the deceased registered owner of the motorcycle, without there being any other incriminating material connecting him with the alleged offence. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. On the other hand, learned Advocate for the State opposed the prayer for anticipatory bail and submitted that the use of the motorcycle registered in the name of the petitioner's deceased son *prima facie* indicates the petitioner's complicity in the alleged offence. The petitioner is also carrying one criminal antecedent.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the fact that, save and except the circumstance that the



petitioner is the father of Late Sachin Kumar, in whose name the motorcycle in question stood registered, there is no material on record suggesting the petitioner's complicity in the alleged offence, besides the absence of any material attracting the rigours for denial of anticipatory bail under the Bihar Prohibition and Excise Act, 2016, as well as the alleged non-compliance of the provisions of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-cum-Exclusive Special Judge, Excise Court No.1 in connection with Nabinagar P.S. Case No. 60 of 2026, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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