IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77235 of 2026

CNR No. BRHC011107882026

Arising Out of PS. Case No.-110 Year-2026 Thana- TARAPUR District- Munger

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Sintu Kumar S/o Ganesh Yadav R/o vill - Maheshpur, Post- Bhikhadih, P.S.- Sangrampur, Distt.- Munger

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Surya Narayan Sah, Adv.
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 05-11-2026 Heard the learned Advocate for the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Tarapur P.S. Case No. 110 of 2026, registered for the offences punishable under Sections 30(a) and 32 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Acting on secret information that a black-coloured Hero Splendor Plus motorcycle was lying abandoned within the boundary of the house of one Jitendra Kumar, the police proceeded to the said place and, during the course of the search, recovered 6.60 liters of country-made liquor from the dickey of the said motorcycle.

4. Learned Advocate for the petitioner, referring to the

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FIR, submitted that the petitioner has been implicated in the present case merely on account of he being the registered owner of the motorcycle, in question. A bare perusal of the FIR reveals that the motorcycle was lying in an abandoned condition within the premises of Jitendra Kumar. It is further contended that the petitioner has nothing to do with the alleged recovery, as the motorcycle was non-functional and had been kept in an abandoned condition. The petitioner is also unaware of the identity of the persons, who allegedly kept the illicit liquor in the dickey of the motorcycle. It is further contended that the petitioner has a clean antecedent, which lends support to his claim of innocence. Moreover, the mandatory statutory requirements were not duly complied with while conducting the search and seizure.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application.

6. Having considered the rival submissions advanced by learned Advocates for the respective parties, and taking into account the fact that the alleged recovery has been made from an abandoned motorcycle lying within the premises of another person, coupled with the absence of any other material indicating the petitioner's complicity in the alleged offence;

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besides the lack of materials which attract the rigors to maintain the anticipatory bail, as well as 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 Chief Judicial Magistrate, Munger in connection with Tarapur P.S. Case No. 110 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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