IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77311 of 2026

CNR No. BRHC011112592026

Arising Out of PS. Case No.-89 Year-2025 Thana- LAKHNAUR District- Madhubani

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Vikash Kumar S/O Vinod Kumar Yadav R/O Village-Gidarahi, P.S- Marauna, District- Supaul.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Jitendra Kumar Bharti, Adv.
For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, 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 Lakhnour P.S. Case No. 89 of 2025, registered for the offences punishable under Sections 274 and 275 of the B.N.S. and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Suspecting that a person riding a motorcycle is carrying illicit liquor, the police intercepted him and apprehended him. In course of the search, a total of 40 liters of country-made liquor was recovered.

4. Learned Advocate for the petitioner, referring to the FIR, primarily contended that a bare perusal thereof would

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reveal that the motorcycle was being driven by co-accused Dhiraj Kumar Yadav. It is further contended that, on the alleged date of occurrence, the motorcycle had been taken away by the co-accused on the pretext of bringing some household articles, and the petitioner was wholly unaware of the fact that his motorcycle would be used for any illicit purpose. The petitioner, having fair antecedent, lends support to the aforesaid submissions. It is further pointed out that there are discrepancies in the search and seizure proceedings, inasmuch as the witnesses to the seizure are none other than police personnel and, as such, there has been non-compliance with the provisions of Section 103(4) of the BNSS. The petitioner undertakes that he will fully co-operate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the use of the petitioner's vehicle in the crime clearly suggests his complicity.

6. Considering the rival submissions advanced by learned Advocate for the respective parties and taking note of the fact that the petitioner has been implicated in the present case solely on account of his ownership of the motorcycle in question, coupled with the various discrepancies pointed out in

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the search and seizure proceedings, the petitioner's fair antecedents, as well as the absence of materials attracting the statutory bar for grant of anticipatory bail, 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 Exclusive Special Judge, Excise, Jhanjharpur, Madhubani in connection with Lakhnour P.S. Case No. 89 of 2025, 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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