IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77209 of 2026

CNR No. BRHC011121992026

Arising Out of PS. Case No.-41 Year-2026 Thana- Karnamepur District- Bhojpur

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Sujit Kumar S/O Dhanji Prasad R/O Village- M.S. College Pachrukhiya P.S.- Piro, Distt.- Bhojpur.

... ... Petitioner/s

Versus

The State of Bihar.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 05-11-2026 Heard learned Advocate for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Karnamepur P.S. Case No.41 of 2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act 2022.

3. Suspecting that two persons riding separate motorcycles were carrying illicit liquor, the police intercepted and apprehended them. Upon search, a total quantity of 14.400 litres of illicit liquor was recovered from the possession of one of the motorcycle riders, whereas 9 litres of Indian and foreign liquor were recovered from the possession of the other rider.

4. Learned Advocate for the petitioner, referring to the

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FIR, submitted that, in fact, on the fateful day, the motorcycle bearing Engine No. JA07AZS9K09353 had been taken by one of the petitioner's relatives, namely, Ramesh Kumar Singh, on the pretext of attending to some urgent work. However, the petitioner had no knowledge that his motorcycle was being used for any illicit purpose. It is contended that the petitioner has been implicated in the present case solely on account of he being the registered owner of the motorcycle in question. It is further submitted that the petitioner is carrying fair antecedent, which lends support to his contention of innocence. Moreover, during the course of investigation, no further incriminating material has been collected to establish his complicity in the alleged offence. Learned Advocate has also questioned the legality of the search and seizure proceedings, contending that the mandatory requirement under Section 103(4) has not been complied with and that the seizure witnesses are none else but the police personnel.

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

6. Considering the rival submissions advanced by

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learned Advocates for the respective parties and taking note of the fact that the name of the petitioner has been implicated in this case on account of he being owner of the motorcycle in question, besides there is no compliance of the statutory prescriptions while carrying out the search and seizure, and the lack of materials which attract the rigors to maintain the anticipatory bail under Section 76(2) of the Excise Act, 2026, as well as the fair antecedent of the petitioner, 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 Exclusive Special Excise Judge 2nd Bhojpur at Ara in connection with Karnamepur P.S. Case No.41 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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