IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77241 of 2026

CNR No. BRHC011128132026

Arising Out of PS. Case No.-278 Year-2026 Thana- BASOPATTI District- Madhubani

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Hari Kishor Raut S/o Ramaji Raut R/o Village - Hatwariya, P.S. - Harlakhi, Dist. - Madhubani.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bhavesh Kumar Sah, Adv.
For the Opposite Party/s : Mr. Prem Kumar Jha, 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 Basopatti P.S. Case No. 278 of 2026, 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 Act.

3. Suspecting that three persons riding separate motorcycles were carrying illicit liquor, the police attempted to intercept them. However, all three riders managed to flee from the spot, leaving their respective motorcycles behind. Out of the three motorcycles, one bearing registration number BR07M-9332 belongs to the petitioner, and accordingly, the present FIR came to be instituted. During the course of the search, a total of 27 liters of country-made *Nepali* liquor was recovered from the

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three motorcycles, out of which 9 liters of country-made liquor was recovered from the motorcycle in question.

4. Learned Advocate for the petitioner, referring to the FIR, primarily contended that the petitioner has been implicated in the present case merely on account of he being the registered owner of the motorcycle, in question. It is contended that, on the date of occurrence, the motorcycle in question has been taken away by one of the petitioner's friends on the pretext of some domestic work, and the petitioner has no knowledge that his motorcycle has even been used for any illicit purpose. It is further contended that the petitioner has a clean antecedent, which lends support to his claim of innocence. Moreover, there are several discrepancies in the manner in which the search and seizure were conducted. It is also not the case of the prosecution that the petitioner was found present in the vicinity of the place of occurrence.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submitted that the use of the petitioner's motorcycle in the commission of the alleged offence clearly indicates his complicity therein.

6. Considering the rival submissions advanced by learned Advocates for the respective parties and taking into

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account the fact that the petitioner has been implicated in the present case primarily on account of his ownership of the motorcycle in question; coupled with the absence of any other material indicating his complicity in the alleged offence, the apparent discrepancies in the manner in which the search and seizure were conducted, and the petitioner's clean antecedent, 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-I, Madhubani in connection with Basopatti P.S. Case No. 278 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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