IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79340 of 2026

CNR No. BRHC011130162026

Arising Out of PS. Case No.-337 Year-2024 Thana- Excise P.S. District- Jamui

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Prasant Kumar Son of Triveni Mandal R/o Village Sherpur, P.S.- Kotbali, Dist.- Munger

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Ms. Saumya Kaushik, Advocate
Mr. Madan Mohan, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 25-11-2026 Heard Ms. Saumya Kaushik, learned Advocate for the petitioner and Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with JAM P.S. Case No. 337 of 2024, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Suspecting that a scooty rider was carrying some incriminating material, the police intercepted him and, in course of search, recovered 10.200 litres of illicit Indian-made foreign liquor.

4. Learned Advocate for the petitioner, referring to the

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FIR, primarily contended that admittedly, the presence of the petitioner at the place of occurrence was not found and, in fact, the FIR has been instituted against co-accused Gulshan Kumar. The name of the petitioner has been implicated in this case only by virtue of he being the owner of the scooty, in question. Save and except the petitioner being the owner of the scooty, there is no material collected during the course of investigation suggesting his complicity in the crime. It is further argued that, while carrying out the search and seizure, the police have also failed to ensure compliance with the provisions of Sections 103(4) and 105 of the BNSS. Though the petitioner bears one criminal antecedent, however, he is presently on bail. In the aforesaid premise, learned Advocate for the petitioner further submits that the statutory prohibition as provided under Section 76(2) of the Excise Act, 2016, would not be applicable in the present case.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submitted that the use of the petitioner's scooty in the commission of the crime clearly suggests his complicity.

6. Regard being had to the submissions made on behalf of the parties and considering the discrepancies shown in

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the search and seizure, as also the fact that, except the petitioner being owner of the vehicle, in question, which was being driven by co-accused person, there is no other material attracting the rigors to maintain the 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 Special Excise Court, Jamui in connection with JAM P.S. Case No. 337 of 2024, 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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