IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79259 of 2026

CNR No. BRHC011134822026

Arising Out of PS. Case No.-739 Year-2023 Thana- MALSALAMI District- Patna

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Uday Kumar Son of Late Ram Ekbal Singh Resident of Village- Parsa Bazar, P.S.- Parsa Bazar, District- Patna

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rocky Raphael, Advocate
For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 25-11-2026 Heard Mr. Rocky Raphael, learned Advocate for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Malsalami P.S. Case No. 739 of 2023, registered for the offenses punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018 (Amended).

3. Suspecting that a motorcycle rider was carrying illicit wine in two jute bags, when the police tried to intercept him, he managed to flee away after leaving the motorcycle. In course of search, total 40 litres of illicit Mahua liquor was recovered.

4. Learned Advocate for the petitioner submitted that

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the name of the petitioner has been implicated in this case only on account of he being owner of the motorcycle in question; save and except the aforesaid fact, there is no other material collected during the course of investigation suggesting the complicity of the petitioner in crime. The petitioner was neither identified at the place of occurrence nor the witnesses to the search and seizure are independent. The video recording is also missing. In the aforesaid premise, learned Advocate for the petitioner argued that the rigors provided under Section 76(2) of Excise Act, 2016 would not be attracted. The petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceedings of the Court.

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. Regard being had to the submissions made on behalf of the parties and considering the discrepancies shown in the search and seizure, besides no incriminating material suggesting the complicity of the petitioner except he being owner of the motorcycle in question, as also the lack of materials which attract the rigors to maintain the anticipatory

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bail and 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 Exclusive Special Court of Excise, Patna City in connection with Malsalami P.S. Case No. 739 of 2023, 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)

Siddharth Kr.
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