IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78964 of 2026

CNR No. BRHC011153142026

Arising Out of PS. Case No.-62 Year-2025 Thana- GHURNA District- Araria

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Chandan kumar Son of Krityanand paswan Resident Of Village- Madhura Uttar Ward No 1 Police Station- Narpatganj (Ghurna) District -Araria

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Tapeshwar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 25-11-2026 Heard Mr. Mukesh Kumar Rana, learned Advocate for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Ghurna P.S. Case No. 62 of 2025, registered for the offences punishable under Section 30(a) of the Bihar Prohibitiion and Excise Act.

3. Suspecting that a person was carrying illicit liquor on a motorcycle, the police attempted to intercept him. However, on noticing the police party, the person riding the motorcycle succeeded in fleeing away from the spot, leaving the motorcycle behind. In course of search, a total of 134.400 liters of illicit Nepali country-made liquor was recovered.

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4. Learned Advocate for the petitioner submitted that the petitioner has been implicated in the present case solely on the ground that he is the registered owner of the motorcycle, in question. In fact, prior to the alleged date of occurrence, the petitioner had already sold the said motorcycle to one Ajay Kumar Yadav, son of Giranand Yadav, resident of Manikpur, on 28.02.2025. However, for one reason or another, the ownership of the motorcycle could not be transferred in the records of the DTO Office. The petitioner has neither any concern with the motorcycle, in question, nor with the illicit liquor allegedly recovered therefrom. The petitioner's fair antecedent also lends credence to his plea of innocence. Learned Advocate for the petitioner further pointed out certain discrepancies in the search and seizure proceedings and submitted that it was not even the case of the prosecution that the petitioner was present anywhere near the place of occurrence.

5. On the other hand, learned Advocate for the State vehemently opposed the prayer for anticipatory bail and submitted that the use of the petitioner's motorcycle in the commission of the alleged crime clearly suggests his complicity therein.

6. Considering the rival submissions advanced by the

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learned Advocate for the respective parties and taking note of the fact that, save and except the petitioner being the owner of the motorcycle, in question, there is no other incriminating material which suggests his complicity and attract the statutory prohibition to maintain the anticipatory bail, as also the fair antecedent of the petitioner and the discrepancies shown in the search and seizure proceedings, let the petitioner, above named, be released on 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-1st, Araria in connection with Ghurna P.S. Case No. 62 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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