IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79241 of 2026

CNR No. BRHC011162392026

Arising Out of PS. Case No.-1613 Year-2026 Thana- Excise P.S. District- West Champaran

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Ramesh Kumar S/o Jokhu Yadav Resident of Village - Budhwalia, Ward No.13, Telhua, P.S.- Nautan, Dist- West Champaran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Ms. Bharti Rai, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

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

2. The petitioner apprehends his arrest in connection with Bettiah Excise P.S. Case No. 1613 of 2026, registered for the offenses punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Suspecting that a motorcycle rider was carrying illicit wine, the police tried to intercept him, however, on noticing the police party, he succeeded in fleeing away after leaving the motorcycle. In course of search, total 12.600 litres Indian made foreign liquor was recovered.

4. Learned Advocate for the petitioner submitted that the name of the petitioner has been implicated in this case by

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virtue of he being owner of the motorcycle in question. In fact, on the alleged date of occurrence, the motorcycle in question was taken away by one of the neighbours of the petitioner on the pretext of some household work and the petitioner was not even acquainted that his motorcycle has ever been used for any illicit purpose. The fair antecedent of the petitioner also lends credence over the statement of his innocence. The witnesses to the search and seizure are none else but the police personnel. In the aforesaid premise, learned Advocate for the petitioner argued that the statutory prohibition to maintain the anticipatory bail under Section 76(2) of the Excise Act, 2016 would not be attracted.

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

6. Having considered the rival submissions advanced by learned Advocate for the respective parties and taking note of the fact that it is not the case of the prosecution regarding the presence of the petitioner near by the place of occurrence, coupled with the discrepancies in carrying out the search and seizure, besides save and except the petitioner is said to be

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owner of the motorcycle, there is no other material, as also the fair antecedent of the petitioner and the lack of ingredients to attract 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 Judge (Excise) 1st, Bettiah, West Champaran in connection with Bettiah Excise P.S. Case No. 1613 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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