

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10566 of 2025

Arising Out of PS. Case No.-401 Year-2024 Thana- Excise P.S. District- Begusarai

Rahul Kumar son of Pappu Singh @ Shivchandra Singh Village - Maheshwara, Ward no. 06, Ps- Nawkothe, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sarita Kumari, Adv.

For the Opposite Party/s : Mr. Satyendra Narain Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-03-2025 Heard Ms. Sarita Kumari, learned Advocate for the petitioner and Mr. Satyendra Narain Singh, learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Excise P.S. Case No. 401 of 2024, registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The police on a tip off trafficking of illicit wine conducted raid and seized ACE Gold Magic Container from which 351 litres of illicit Indian made foreign liquor was recovered. On noticing the police party, the accused persons succeeded in fleeing away. The FIR suggests that while the accused persons were fleeing away they were taking the name of each other including the name of the petitioner.



4. Learned Advocate for the petitioner drawing the attention of this Court to the FIR contended that the entire allegation levelled in the FIR at least to the extent of disclosure of the name of the petitioner by persons who were fleeing away does not inspire confidence. Moreover, the alleged recovery has been made from ACE Gold Magic Container with which the petitioner has no concern. Neither the petitioner is the owner of the vehicle in question nor he has any connection with other co-accused persons. The alleged recovery has been made nearby *Shivmandir Maheshwara Bandh*. Only on account of one criminal antecedent, the name of the petitioner has been implicated in this case; moreover there are various other infirmities in the search and seizure.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from an open place, which is easily access to all, coupled with the fact that the petitioner has no concern with the vehicle in question and in the aforesaid premise, this Court finds that there is no application of Section 76(2) of the Bihar Prohibition and Excise Act, let the petitioner



abovenamed 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 Excise Court-II, Begusarai in connection with Excise P.S. Case No. 401 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. 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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