

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27323 of 2025

Arising Out of PS. Case No.-164 Year-2025 Thana- NAUBATPUR District- Patna

Raja Singh @ Rajkishore Singh S/o Vinda Singh R/o Vill- Badki Kopa, P.S.-
Naubatpur, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-05-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Naubatpur P.S. Case No. 164 of 2025, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The police on a tip off trafficking of illicit wine conducted a raid in the house of the petitioner, however noticing the police party co-accused Raja Kumar @ Pongal succeeded in fleeing away. It is further alleged that in course of search, 132 litres of illicit liquor was recovered from the house and accordingly seizure list was prepared.

4. Learned Advocate for the petitioner submitted that had the recovery been made from the house of the petitioner, there would have been signature of any of the family members,



but the seizure list witnesses are none else, but the police personnel. In fact, the alleged recovery has been made from a room where cattle feed was stored and that room falls within the share of co-accused Raja Kumar @ Pongal, who is said to be younger brother of the petitioner. Since there is partition between the family members and the room from where recovery has been made falls under the share of younger brother, the petitioner cannot be held accountable. The petitioner has neither any concern with the place from where recovery has been made nor with the illicit liquor. The afore noted facts also fortified for the simple reason the petitioner bears fair antecedent and he has never been indulged in such activity; moreover during investigation no other material has been collected which attracts the provisions prescribed under Section 76(2) of the Bihar Prohibition and Excise Act, 2016.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that recovery of 132 litres of illicit liquor from the house of the petitioner clearly suggests his complicity and the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 disentitle the petitioner for anticipatory bail.

6. Regard being had to the submissions made on



behalf of the parties and considering the infirmities in search and seizure, coupled with the fair antecedent of the petitioner and the absence of material which attracts the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, 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 Special Excise Judge, Danapur in connection with Naubatpur P.S. Case No. 164 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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