

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50736 of 2025

Arising Out of PS. Case No.-602 Year-2025 Thana- NAWADA District- Nawada

Shiva Kumar @ Shiv Kumar S/O Vinod Kumar @ Bilat, Resident of Village-
Mohalla Ghadhpar, P.S.- Town, District- Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sheo Nandan Prasad, Adv. Mr. Rajnish Kumar, Adv.
For the Opposite Party/s	:	Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Nawada Town P.S. Case No.602 of 2025 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The allegation against the petitioner is of involved in trafficking of illicit wine; the police, on a secret information, conducted raid. However, noticing the police party, it is alleged that the petitioner along with other persons, who were present there, succeeded in fleeing away after leaving two bags. In course of search, total, 25.125 lts. of Indian Made Foreign Liquor was recovered from both the bags.



4. Learned Advocate for the petitioner submitted that save and except suspicion, there is no material suggesting complicity of the petitioner in crime. The identification of the petitioner, in course of fleeing, appears to be wholly doubtful. Moreover, the alleged recovery has been made from a ground nearby Khuri River, which is an open place and easily accessible to all. During the course of investigation, no material has surfaced, which suggests proximity of the petitioner with the recovered illicit wine. 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 counsel for the State vehemently opposed the bail application and submitted that the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 (for short 'the Act, 2016') clearly bars the anticipatory bail.

6. Regard being had to the submissions made on behalf of the parties and taking note of the fact that the alleged recovery has been made from an open place, easily accessible to all, coupled with the fair antecedent of the petitioner as also the lack of material, which attracts the rigors provided under Section 76(2) of the Act, 2016, inasmuch as the Full Bench



decision of this Court in the case of **Ram Vinay Yadav v. The State of Bihar [2019 (2) PLJR 1089]**, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, Excise-I, Nawada in connection with Nawada Town P.S. Case No.602 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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