

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57961 of 2025

Arising Out of PS. Case No.-117 Year-2025 Thana- VISHAMBHARPUR District- Gopalganj

Rabindra Singh, Adult Male, aged about 31 years old, S/o- Vineshwari Singh,
R/O Village- Bhaghachaur, P.S.-Tareya Sujan, Dist-Kushinagar, U.P

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Baijnath Sah, Advocate

For the Opposite Party : Mr. Md. Ataur Rahman, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 05-12-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Vishambharpur P.S. Case No. 117 of 2025 dated 01.06.2025 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, 957.600 litres illicit liquor was recovered from the Bolero Pick-up Van. It is further alleged that the apprehended co-accused persons, namely, Md. Islam (driver) and Mintu Kumar Verma have disclosed that the alleged seized liquor and seized vehicle belong to the co-accused Sunil Gupta and Rabindra Singh (petitioner).



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. Nothing incriminating article has been recovered from the possession of the petitioner. The petitioner was not apprehended on the spot and his name has come in the present case on the basis of the confessional statement of the apprehended co-accused persons, namely, Md. Islam and Mintu Kumar Verma which has got no evidentiary value in the eyes of law. It is further submitted that except the confessional statement of the aforesaid apprehended co-accused persons, there is no substantive evidence to suggest the implication of the petitioner in the present case. The petitioner is neither the owner of the Bolero Pick-up Van nor the Trader of the seized liquor rather he is the driver and the co-driver of the said seized Pick-up Van. The petitioner has no concern with the alleged offence. There is no statutory compliance of Section 103 of the B.N.S.S., 2023. It is further submitted that the seized Bolero Pick-up Van belongs to the co-accused Sunil Kumar Gupta who had handed over the said vehicle to the petitioner and the petitioner had no knowledge that the illegal liquor was loaded on the said vehicle. It is further submitted that the other co-accused persons, namely, Mohammad Islam and Mintu Kumar Verma @ Mintu Kumar



have already been granted regular bail in Cr. Misc. No. 54354 of 2025 vide order dated 12.08.2025 by a Bench of this Court and the other co-accused person, namely, Sunil Gupta @ Sunil Kumar Gupta @ Sunil Sah @ Sunil Prasad @ Sunil Prasad Sah has also been granted anticipatory bail by the Co-ordinate Bench of this Court in Cr. Misc. No. 61555 of 2025 vide order dated 23.09.2025. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IV-cum-Exclusive Special Judge, Court-II, Gopalganj, in connection with Vishambharpur P.S. Case No. 117 of 2025, subject to conditions as laid down under Section 482(2) of the B.N.S.S, 2023 with further condition:-

(I) The petitioner is directed to remain



physically present before the learned court
below on each and every date, failing which
on two consecutive dates without reasonable
cause, the bail bond of the petitioner is liable
to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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