

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64551 of 2025**

Arising Out of PS. Case No.-458 Year-2025 Thana- GOPALGANJ TOWN District-
Gopalganj

Rahul Singh S/o Dinesh Singh Resident of Village- Naya Tola Rajokhar, PS-
Gopalganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Gopalganj Town (Nagar) P.S. Case No. 458 of 2025, registered for the offences 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 conducted a raid and found one Scorpio vehicle parked in front of the house of the petitioner. In course of search, 7.125 country made foreign liquor was recovered behind the house of the petitioner and 13.335 litres foreign liquor, besides 3.800 country made liquor was recovered from the Scorpio vehicle.

4. Learned Advocate for the petitioner submitted that



admittedly nothing has been recovered from the whereabouts of the petitioner. The petitioner has no concern with the illicit wine, which is said to have been recovered behind the house of the petitioner and the vehicle. There are various other infirmities in search and seizure, coupled with non-compliance of Section 103 of BNSS. Moreover, the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that recovery of illicit wine nearby the house of the petitioner clearly suggests his complicity.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the materials which, *prima facie*, do not attract the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, coupled with the infirmities in the search and seizure as also the fair antecedent, 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 Additional District and Sessions Judge-XIIIth-cum-Special Judge, Excise Court No. 1st, Gopalganj in connection with Gopalganj Town (Nagar) P.S. Case No. 458 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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