

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64250 of 2025

Arising Out of PS. Case No.-536 Year-2022 Thana- SAHPUR District- Patna

Rahul Kumar Son of Madhav Ray, Resident of Village -Saralpur Hostitola
Police Station -Sonpur, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard learned Advocate for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Shahur P.S. Case No.536 of 2022 registered for the offences punishable under Sections 30(a), 41 and 56 of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is of involved in trafficking of illicit wine; the police conducted raid. However, noticing the police party, the persons, who were standing in a mango orchard tried to escape but two of them were apprehended, who disclosed the name of the petitioner. In course of search, total 27 lts. of country made liquor and one motorcycle were recovered.

4. Learned Advocate for the petitioner contended that



only on account of the fact that the motorcycle, which was kept in a mango orchard belonged to the petitioner, his name has been implicated in this case. The petitioner has nothing to do with the other co-accused persons and the alleged recovered illicit wine. The alleged recovery has been made from an open place and for which the petitioner cannot be held responsible. All the more, the petitioner bears fair antecedent. There is no compliance of the prescriptions provided under Section 103 of B.N.S.S. The petitioner 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 the prayer of the petitioner for anticipatory bail is barred in view of Section 76(2) of the Bihar Prohibition and Excise Act, 2016 (for short 'the Act, 2016').

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the materials available on record, which *prima facie* do not attract the rigors provided under Section 76(2) of the Act, 2016, coupled with the fair antecedent of the petitioner and the recovery from an open place, 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 Special Excise Judge, Danapur, Patna in connection with Shahur P.S. Case No.536 of 2022, 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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