

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64312 of 2025

Arising Out of PS. Case No.-155 Year-2025 Thana- NEMDARGANJ District- Nawada

Rajballabh Kumar, S/o Umesh Yadav, R/o Village - Budhoul, P.S - Nawada,
District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shweta Priya, Adv.
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard Ms. Shweta Priya, learned Advocate appearing
on behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Nemdarganj P.S. Case No. 155 of 2025, registered for the
offences punishable under Sections 30(a) of the Excise Act.

3. In course of patrolling the police intercepted a pick-
up van, however, noticing the police party, the driver of the
vehicle succeeded in fleeing away. In course of search total
670.56 liters illicit wine was recovered.

4. Learned Advocate appearing on behalf of the
petitioner submitted that the petitioner has nothing to do with
the vehicle in question nor with the recovered illicit wine. Only



on account of the fact that earlier the petitioner had been working as a driver of the vehicle in question, his name has been implicated in this case on account of suspicion. Save and except the aforesaid materials, there is nothing against the petitioner. The petitioner was neither identified by any persons at the place of occurrence, nor the mandatory prescriptions of the search and seizure has been followed. The petitioner bears fair antecedent and he undertakes that he will fully cooperate in the investigation and the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application.

6. Having considered the submissions advanced and taking note of the materials as also the fact that nothing has been recovered from the whereabouts of the petitioner and he is having no concern with the vehicle in question from where recovery has been made, coupled with the fair antecedent and the absence of the materials which attract the rigors provided under Section 76 (2) of the Bihar Prohibition and Excise Act, 2016, let the petitioner above named 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 Exclusive Special Excise Court-1 in connection with Nemdarganj P.S. Case No. 155 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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