

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64567 of 2025

Arising Out of PS. Case No.-131 Year-2025 Thana- BARAULI District- Gopalganj

Rakesh Kumar S/o- Jitendra Ray R/o- W.No-1, Gohitara Gohi Bishunpur Ps-
Lokhmi Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Barauli P.S. Case No. 131 of 2025, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. In course of vehicle checking, the police intercepted a Truck bearing Registration No. BR06GA-5097 and apprehended the driver of the vehicle. On search, total 483.84 litrest of Indian made foreign liquor was recovered.

4. Learned Advocate for the petitioner submitted that the vehicle in question was being run for transportation of goods. However, the petitioner had never given any consent to the driver of the Truck in question to carry illicit wine but without his consent, illicit wine had been carried by the driver,



who was also apprehended at the place of occurrence. The petitioner has nothing to do with the crime in question, however only on account of he being the owner of the vehicle in question, his name has been implicated. During the course of investigation, no material has collected showing the complicity of the petitioner in crime, besides there are various other infirmities in search and seizure and the petitioner bears fair antecedent.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that huge recovery of wine from the Truck, in question, which belongs to the petitioner, clearly suggests his involvement.

6. Regard being had to the submissions made on behalf of the parties and the fact that the Truck in question was being used for the purpose of transportation of goods with the help of the driver and no specific material has come suggesting the complicity of the petitioner in crime and, as such, the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 do not attract, coupled with the fair antecedent and the infirmities in search and seizure, 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.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge XIII-cum-Special Judge, Excise Court No. 1, Gopalganj in connection with Barauli P.S. Case No. 131 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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