

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65105 of 2025

Arising Out of PS. Case No.-89 Year-2025 Thana- SAKRI District- Madhubani

Rahul Kumar Das @ Rahul Kumar S/o Kari Das Resident of village-
Sagarpur, P.S- Sakri, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-09-2025 Heard Mr. Subhash Kumar Jha, learned counsel
for the petitioner and Mr. Ramchandra Sahni, learned APP for
the State.

2. The petitioner apprehends his arrest in connection with Sakari P.S. Case No. 89 of 2025 dated 04.06.2025 registered for the offences punishable under sections 274 and 275 of the Bharatiya Nyaya Sanhita and section 30(a) of the Bihar Prohibition & Excise Act (in short 'Excise Act').

3. The main submissions advanced by petitioner's counsel are that the instant matter relates to the recovery of 380 litres of beer from a Maruti Suzuki Wagon-R car bearing registration No. DL-02 CAG-8129 and it is an admitted position that the said vehicle was found parked near a road, though as per the prosecution, the said vehicle was found near the house of the petitioner when it was intercepted but the same is not



sufficient to show his involvement in storing or smuggling of the alleged beer by using the alleged vehicle. It is further submitted that in the FIR, the petitioner has been shown as a registered owner of the seized vehicle but he is not the owner of the said vehicle and in this regard, he has made a statement in paragraph No. 8 of this petition stating that neither the alleged liquor nor the alleged car belongs to him. It is further submitted that the FIR clearly shows that no one was found near or inside the alleged vehicle when it was seized and searched and the petitioner has been made accused mainly on the basis of secret information which was received by the police party during the course of patrolling and it is also important to mention that the petitioner has been shown as a businessman involved in smuggling of illicit liquor by the informant whereas the petitioner's past is completely clean and he bears no criminal antecedent and he has not remained involved in any kind of offence relating to the Excise Act and all these materials are sufficient to show that the alleged offences, under which the FIR has been registered, do not attract even *prima facie* against this petitioner, so, his prayer for anticipatory bail is not hit by the provisions of section 76(2) of the Excise Act.

4. Learned APP appearing for the State has opposed the prayer of the petitioner.



5. In the facts and circumstances of this case as well as considering the submissions as stated above and coupled with petitioner's fair and clean antecedent , this Court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released 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 Court concerned in connection with Sakari P.S. Case No. 89 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS, and **on further condition that** if during the course of investigation, the petitioner's ownership of the alleged vehicle (Maruti Suzuki Wagon-R car) bearing registration No. DL-02 CAG-8129 is established then the prosecution will have a liberty to move an application before the trial court for cancellation of the petitioner's bail bond and upon finding substance in the prosecution's allegation, the trial court shall cancel the petitioner's bail bond.

(Shailendra Singh, J)

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