

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84226 of 2025

Arising Out of PS. Case No.-479 Year-2025 Thana- RAHUI District- Nalanda

Abhinash Kumar S/O Dharmendra Yadav @ Dharmendra Kumar Resident of
village- Balabapar, Post- Uttarnavan, P.S.- Rahui, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumar
Mr.Ambrish Kumar
Mr.Rajeev Kumar Saxena
Mr.Ashish Kumar
For the Opposite Party/s : Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 17-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Rahui P.S. Case No. 479 of 2025, F.I.R dated 11.08.2025 registered for the offences punishable under Sections 338, 336(3) and 340(2) of BNS, 2023 and 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, on 11.08.2025 at about 18:30 hours, on receipt of information, Dayanand Suthihar along with his team reached near village Uttarnawan where two motorcycles were found lying abandoned on the roadside. It is



alleged that plastic bottles were found near the motorcycles emitting smell resembling liquor, and upon inspection the contents were found to be country-made alcohol measuring about 5 litres in total. It is further alleged that both motorcycles were bearing the same registration number, i.e., BR-21AF-5338, whereupon the liquor and motorcycles were seized and the case was instituted accordingly.

4. Learned counsel for the petitioner submits that recovery has been made from an open space and merely because his motorcycle was found parked near the road side at the place from where recovery is said to have been made, this petitioner has falsely been implicated in this case. The petitioner has clean antecedent and the place from where recovery is made is an open space, which is accessible to general public and cannot be denied.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession and / or premises belonging to the petitioner and considering the aforesaid facts and circumstances, accordingly, this Court is



inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise Court-II, Bihar Sharif at Nalanda in connection with Rahui P.S. Case No. 479 of 2025 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

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