

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87739 of 2025

Arising Out of PS. Case No.-327 Year-2025 Thana- GAUTAMBUDHNAGAR District-
Siwan

=====

Rahul Kumar @ Rahul Son of Virendra Ram Resident of Village -Saichani
P.S. -Siwan Muffasil, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey
For the Opposite Party/s : Mr.Arun Kumar

=====

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 19-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with G.B. Nagar P.S. Case No.327 of 2025, F.I.R dated 25.07.2025 registered for the offences punishable under Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, on 25.07.2025, while checking near Dihiya Primary School, the informant and police personnel noticed three persons on a motorcycle. On seeing the police, they attempted to flee but were apprehended along with the motorcycle. They disclosed their names as co-accused Rahmatulla, Sujit Kumar, and Bullet Singh. Upon search, 115



liters of country-made liquor (Desi wine) was recovered from the motorcycle.

4. Learned counsel for the petitioner submits that the motorcycle, which was part of the seizure though belongs to the petitioner, but was being driven by his brother-in-law at the time of incident and the said brother-in-law has already been taken into custody. The petitioner was neither apprehended at the place of occurrence nor was anything recovered from the constructive possession of the petitioner. The petitioner has clean antecedent.

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 the brother-in-law, who was driving the alleged motorcycle has already been taken into custody and the petitioner has clean antecedent, 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 1st Siwan, in connection with G.B. Nagar P.S. Case No.327 of 2025 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

sharun/-

U		T	
---	--	---	--

