

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8391 of 2026

Arising Out of PS. Case No.-253 Year-2025 Thana- KOPA District- Saran

=====

Vivek Kumar Prasad Son of Satrudhan Prasad @ Satrudhan Sah Resident of
Village- Manjhi Gorha Par, P.S.- Manjhi, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Priyanshu Kumar Singh, Advocate

For the Opposite Party/s : Mr.Arun Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-02-2026 Heard Mr. Priyanshu Kumar Singh, learned counsel

appearing on behalf of the petitioner and Mr. Arun Kumar,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Kopa P.S. Case No. 253 of 2025 registered for the offence
punishable under Section 30 (a) of the Bihar Prohibition and
Excise Act as amended up-to-date.

3. Allegation is of recovery of 15.48 litres of illicit
liquor from a motorcycle bearing Registration No. BR04AK
7522.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner has been falsely implicated
in the present case. Petitioner has no concern with the seized
liquor nor he is involved in trade of liquor in any manner. Name



of the petitioner has surfaced in course of investigation because petitioner is the owner of the motorcycle bearing Registration No. BR04AK 7522. The petitioner, aged about 26 years, is not named in the FIR and the motorcycle was recovered from an open space. There is every likelihood that some unknown person might have kept the illicit liquor on the motorcycle without the petitioner's knowledge. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Considering the fact that recovery of 15.48 litres of illicit liquor has been made from a motorcycle bearing Registration No. BR04AK 7522, as well as, the fact that the petitioner is not named in the FIR and the seized motorcycle was recovered from an open space and also the fact that the State has failed to implement liquor policy in its true spirit, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court 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 the learned District Court where the case is pending, in



connection with Kopa P.S. Case No. 253 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS.

7. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

8. Before parting with the order, I find that this Court must not abdicate from its constitutional duty to advise the Chief Secretary to take proper care of the petitioner and his rehabilitation, having failed to carry the mandate of Article 47 of the Constitution of India in its true spirit, particularly in those case where juvenile or those who are aged between 18 to 35 years are indulged into offences relating to Excise Act, 2016.

9. Let a copy of this order be communicated to the Chief Secretary, Government of Bihar.

(Purnendu Singh, J)

Ashishsingh/-

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

