

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10089 of 2026

Arising Out of PS. Case No.-914 Year-2024 Thana- KADAMKUAN District- Patna

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Golu Kumar, Gender-Male, aged about 19 years, Son of Raju Shahni @ Raj Sahani, Resident of - East Lohanipur, Railway Hunder Road, Police Station - Kadamkuan, District – Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rohit Kumar, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 17-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Kadamkuan P.S. Case No. 914 of 2024 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (A) Act, 2022.

3. As per the prosecution case, total three bottles of 750 ml of foreign liquor were recovered from the scooty, out of which two bottles of foreign liquor were found broken and one bottle was found intact.

4. Learned counsel for the petitioner submits that petitioner is innocent has committed no offence and has falsely been implicated in this case. He submits that the petitioner has



been made accused only on the basis of statement of the co-accused Aryan Raj. He further submits that the petitioner was neither arrested at the spot nor any cash or vehicle or any other incriminating material has been recovered from the conscious possession of the petitioner. He next submits that the alleged recovery is from the possession of other co-accused namely Aryan Raj. He lastly submits that the petitioner was neither the owner nor the driver of the alleged scooty from which the alleged liquor was recovered. Petitioner has got clean antecedent as stated in para 3 of the petition.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioner.

6. From perusal of the FIR and the impugned order of the learned Special Judge Excise-IIInd, Patna dated 10.12.2025, it appears that on the basis of written report of the informant, Anurag Kumar, Sub-Inspector, Kadamkuan, Police Station, FIR has been registered under Section 30(a) of the Bihar Prohibition and Excise (A) Act, 2022 against two co-accused persons including the present petitioner. It also appears that the petitioner was not arrested at the spot and the seized scooty bearing Registration No. BR01HQ 9326 does not belongs to the present petitioner and the alleged recovery of 750 ml of foreign



liquor were recovered from the arrested co-accused namely Aryan Raj. It also appears that petitioner has got clean antecedent as stated in para 3 of the petition, so considering all these aspects of the case and submission of learned counsel for the petitioner, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, let the petitioner above named in the event of his arrest or surrender before the trial Court within six weeks from today, be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-IIInd, Patna in connection with Kadamkuan P.S. Case No. 914 of 2024, subject to the conditions laid down in Section 482(2) of the BNSS.

(Ramesh Chand Malviya, J)

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