

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9019 of 2026

Arising Out of PS. Case No.-380 Year-2025 Thana- Excise P.S. District- Samastipur

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Rakesh Kumar @ Rakesh Kumar Mishra S/O Sanjeev Mishra @ Sanjiv Kumar Mishra Resident of village- Neerpur, Police Station- Karpurigram, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Excise Sadar P.S. Case No. 380 of 2025, registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution-case, there is alleged recovery of 954.720 litre illicit foreign liquor from the house of petitioner.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the F.I.R. He further submits in para-10 that the alleged recovery was made from the joint house of the petitioner



and petitioner cannot be held responsible for the same. Apart from that, petitioner is having criminal antecedent of four cases out of which in three cases he is on bail. Petitioner has been roped in one case after another in mechanical manner without any basis. Except suspicion, there is nothing on record to connect the petitioner with the alleged occurrence. In light of the aforesaid facts and circumstances, no allegation, as alleged in the F.I.R., is made out against the petitioner.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that there is alleged recovery from the house and petitioner cannot escape from the allegations made in the F.I.R.

6. Considering the facts and circumstances of the case, petitioner was not found at the place of occurrence, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail-bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-II, Samastipur, District-Samastipur in connection with Excise



Sadar P.S. Case No. 380 of 2025, subject to the conditions as
laid down under Section 482(2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

K.C.Jha/-

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