

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8727 of 2026**

Arising Out of PS. Case No.-217 Year-2025 Thana- NARHATT District- Nawada

Rajesh Kumar Son of Shiv Charan Saw R/o Village - Tili Tola, Hisua, P.S. -  
Hisua, Dist. - Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Pramod Kumar Verma, Adv.  
For the State : Mr. Akbar Ali, APP

**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 Narhat P.S. Case No. 217 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, there is alleged recovery of 5.250 litre foreign liquor from plastic tray in question and co-accused Rajeev Kumar was apprehended on the spot along with motorcycle.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. He further submits that petitioner is not named in the FIR and during course of investigation, his name transpired in



this case being owner of motorcycle in question. Petitioner bears no criminal antecedent. Learned counsel orally submits that co-accused Rajeev Kumar had taken the motorcycle of the petitioner in good faith and petitioner had no knowledge that his motorcycle was being used in the said offence and hence, he cannot be held responsible for the alleged recovery. He further submits that nothing has been recovered from conscious possession of the petitioner. Petitioner was not found at the place of occurrence. Petitioner has no concern with the seized liquor. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that name of the petitioner transpired in this case as owner of the motorcycle in question and hence, petitioner cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, 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 Exclusive Special Court, Excise-1, Nawada in connection with Narhat P.S. Case No. 217 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)**

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