

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9302 of 2026

Arising Out of PS. Case No.-287 Year-2025 Thana- Excise P.S. District- Nalanda

Tarun Kumar S/o Late Rajkumar Yadav R/o - Chetnalya, Rajgir, P.S - Rajgir,
District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amresh Kumar Sinha, Advocate
For the State	:	Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-02-2026 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in connection with Excise (Biharsharif) P.S. Case No. 287 of 2025 dated 03.06.2025 registered for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise Act (in short 'Excise Act').

3. The main submissions advanced by the petitioner's counsel are that the recovery of the alleged wine is stated to have been made from bushes in a hilly area and that it is not the case of the prosecution that the petitioner was seen at or near the place of recovery at the time of recovery or that he managed to escape upon seeing the police party. The basis of implicating the petitioner in connection with the recovery of the alleged wine is merely secret information, which does not constitute material evidence. Hence, the alleged offence punishable under the Excise



Act, under which the FIR has been registered, do not attract even *prima facie*, and therefore, his prayer for anticipatory bail is not hit by the provisions of Section 76(2) of the Excise Act.

4. Though learned APP has opposed the prayer for bail of the petitioner, he fairly accepts that the recovery was made from an open place and that, as per the FIR, the petitioner was not seen at or near the place of recovery when the police raided it.

5. In the facts and circumstances of this case as well as considering the submissions as stated above, coupled with the pleas of the petitioner, this Court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Excise (Biharsharif) P.S. Case No. 287 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

(Shailendra Singh, J)

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