

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11412 of 2026

Arising Out of PS. Case No.-376 Year-2025 Thana- Excise P.S. District- Gopalganj

Birabal Prasad Kushwaha S/o Late Ramawatar Prasad Kushwaha R/o Village-
Lohargawa, P.S- Madhuban, Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 17-02-2026

Heard learned counsel for the parties.

2. The petitioner is apprehending his arrest in connection with Excise P.S. Case No.376 of 2025, F.I.R dated 25.06.2025, registered for the offences punishable under Sections 30(a) and 32 of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, total 89.280 liters beer and foreign liquor is said to have been recovered from the cabin of a truck, of which the petitioner is the owner bearing registration number BR-55-G-1546.

4. Learned counsel for the petitioner submits that the petitioner is the registered owner of the truck in question from which liquor has been seized. However, as a matter of fact, the goods were loaded at Gorakhpur and were being transported to Motihari. After departure from Gorakhpur, the petitioner had no knowledge of the alleged act of the driver, nor had he authorized the transportation of liquor in his truck. It is further submitted



that the driver of the truck has already been apprehended by the police and that the petitioner is in no way connected with the seized liquor. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession of the petitioner, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below 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 learned Additional District and Sessions Judge-IV cum Exclusive Special Excise, Gopalganj in connection with Excise P.S. Case No.376 of 2025 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

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