

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10938 of 2026

Arising Out of PS. Case No.-332 Year-2025 Thana- IMAMGANJ District- Gaya

Raj Kumar Bharti Son of Sibal Bhuiyan @ Sibal Bharti R/O Vill- Nauduha,
P.O.- Beduauli, P.S.- Imamganj, Gaya, Bihar- 824210

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nitya Nand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 17-02-2026 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, the recovery is of 8 liters of illicit mahua liquor from the house of the petitioner.

4. Learned counsel for the petitioner submits that the name of the petitioner has surfaced in the case on account of suspicion. No recovery has been made from the physical and conscious possession of the petitioner rather there is recovery from a house which is a joint family property. There is no independent witness to the said seizure list and the petitioner has no criminal antecedent.



5. The application is opposed by the learned APP for the State.

6. Considering the fact that no recovery has been made from physical conscious possession of the petitioner and recovery has been made from a house which is a joint family property, the possibility of petitioner being implicated on the basis of suspicion cannot be ruled out and further given the fact that the search and seizure memo is not witnessed by two independent witnesses and also petitioner is a person with clean antecedent, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Excise Court No. 02, Gaya Ji in connection with Imamganj P.S. Case No. 332 of 2025, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and subject to the further condition that:-

(i) the petitioner shall co-operate in the investigation/trial.

(ii) the learned Court would, however, verify the criminal antecedent of the petitioner and in case it is found that



the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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