

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17551 of 2026

Arising Out of PS. Case No.-545 Year-2025 Thana- SUGAULI District- East Champaran

Rakesh Kumar S/o- Late Suresh Sahani @ Suresh Sahani R/vp- Godigawan
Ps- Sugauli District-East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 25-03-2026 Heard learned counsel for the petitioner and
learned A.P.P. 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 in connection with Sugauli P.S.Case No. 545 of 2025.

3. As per the prosecution case, the police on being alerted regarding manufacture of illicit liquor by the petitioner and other accused persons in huge quantity at Chiknautra river, rushed to the scene of occurrence and chased the accused persons, who while taking to their heels, left behind bags. On search, 25 litres of country-made liquor was recovered.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case due to vengeance. The petitioner has nothing to do with the alleged recovery of liquor.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the fact that the petitioner has not been apprehended on the spot and, therefore, no recovery has been made from the conscious physical possession of the petitioner and, in fact, the recovery is from the bank of a river, which is an open place and also considering the fact that search and seizure memo does not bear the signature(s) of two independent witnesses, which puts a question mark over the validity and legality on the seizure itself, under these circumstances, I am inclined to grant privilege of anticipatory bail to the petitioner.

7. Let the petitioner, as named above, in the event of his arrest or surrender within four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.1, East Champaran, Motihari in connection with Sugauli P.S. Case No. 545 of 2025, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and



subject to 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)

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