

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16908 of 2026

Arising Out of PS. Case No.-51 Year-2026 Thana- BODHGAYA District- Gaya

Mohit Raj Son of Ravindra Kumar Gupta Resident of Mohalla- K.P. Lane,
Kabir Bagh, P.S.- Kotwali, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Opposite Party/s : Mr. Suresh Prasad Singh

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 Sections 30(a) and 37 of the Bihar Prohibition and Excise (amendment) Act, 2022.

3. The prosecution case, in short, is that upon seeing the police party, two persons boarded on a car, tried to flee away, but the police party nabbed them. On query they disclosed their names as Rahul Anand and Saurabh Kumar Keshri. Thereafter it is alleged that on search one bottle of 375 ml of Royal Challenger liquor was recovered from the waist of Rahul Anand and both the accused persons were found in drunken state.

4. The learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in the present case on the basis of suspicion and nothing has been recovered from his conscious physical possession. He is not named in the FIR and during the course of investigation, no any independent witness supported the prosecution case

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

6. Considering that the petitioner was not apprehended on the spot and, therefore, nothing was recovered from the conscious physical possession of the petitioner and that he has been implicated simply because he happens to be the owner of the vehicle and further taking into account that the search and seizure memo is also not signed by two independent witnesses, which puts a question mark on the legality and validity of the seizure itself, and taking notice the fact that the petitioner has clean antecedent, 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 Exclusive Special Excise Judge,



Court No.1, Gaya in connection with Bodhgaya P.S.Case No. 51 of 2026, 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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