

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17496 of 2026

Arising Out of PS. Case No.-25 Year-2026 Thana- NADI P.S. District- Patna

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Rohit Kumar S/O Sahdev Singh R/O Village- Pitambarpur, P.O- Dumari, P.S-
Fatuha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Parmeshwar Vishwakarma, Adv.

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

2 25-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Nadi P.S. Case No.25 of 2026 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is recovery of 540
liters of countrymade 'Mahua' from a Tempo.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence and has
falsely been implicated in this case. Learned counsel for the
petitioner further submits that petitioner was not apprehended
on the spot and no recovery has been made from the conscious



physical possession of the petitioner. Learned counsel for the petitioner next submits that petitioner has been implicated in this case because he is the owner of the vehicle. Learned counsel for the petitioner submits that the search and seizure memo is not signed by two independent witnesses.

5. The learned APP opposes the anticipatory bail application.

6. Considering the fact that the petitioner was not apprehended on the spot and therefore no recovery has been made from the conscious physical possession of the petitioner and it seems he has been implicated simply because is been the owner of the vehicle, which was being driven by another person of which the liability cannot be passed on the petitioner and also given the fact that the search and seizure memo is not signed by two independent witnesses, which puts a question mark on the legality and validity of the seizure itself, under these circumstances, this Court inclineds to grant privilege of anticipatory bail to the petitioner.

7. Accordingly, the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on anticipatory bail on his furnishing bail-bonds in the sum of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Patna City in connection with Nadi P.S. Case No.25 of 2026, subject to the conditions laid down under Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita.

(Alok Kumar Sinha, J)

Prakash Narayan

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