

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20441 of 2026

Arising Out of PS. Case No.-48 Year-2026 Thana- KOCHADHAMAN District- Kishanganj

1. Akash Kumar S/O Kamleshwari Thakur @ Kamleshwar Thakur Resident of village- Dhangama, P.S.- Jalalgarh, District- Purnea
2. Mukesh Thakur S/O Kamleshwari Thakur @ Kamleshwar Thakur Resident of village- Dhangama, P.S.- Jalalgarh, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate
For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-04-2026 Heard Mr. Raj Kumar, learned counsel appearing on behalf of the petitioners and Mr. Mukesh Kumar Singh, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Kochadhaman P.S. Case No. 48/2026 registered for the offence(s) punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2022 (as amended upto date).

3. As per the allegations made in the FIR, during a routine prohibition check, the informant team intercepted two motorcycles, apprehended one co-accused while petitioner no.1 (Akash Kumar) fled from the spot, and upon search recovered about 35.250 litres of illicit liquor from motorcycles bearing



Registration Nos. BR 11BR2164 and BR 11AJ-9938. Petitioner no. 2 is the registered owner of the vehicle bearing Registration No. BR 11AJ-9938

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and have been falsely implicated in the case. They have no concern either with the seized liquor or trade of liquor in any manner. No recovery has been made from the conscious or physical possession of the petitioners and their implication is only on the basis that petitioner no. 1 is alleged to be the driver of the motorcycle and petitioner no. 2 is the registered owner of the vehicle bearing Registration No. BR 11AJ-9938. The petitioners have clean antecedents. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, upon perusal of the materials available on record, this Court finds that no recovery has been made from the conscious or physical possession of the petitioners and their implication appears to be primarily on account of their alleged connection with the motorcycle, one being the driver and the



other the registered owner. I am of the opinion that the petitioners having clean antecedents have, *prima facie*, made out a case to be released on pre-arrest bail

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned District Court where the case is pending/successor court in connection with Kochadhaman P.S. Case No. 48/2026, subject to the condition as laid down under Section 438(2) of the Cr.P.C./482 of the BNSS.

8. The District Court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

(Purnendu Singh, J)

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