

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23605 of 2026

Arising Out of PS. Case No.-148 Year-2026 Thana- AGAMKUAN District- Patna

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Sunil Kumar S/O Binod Mahto Resident of Village- Chhoti Pahari, P.S.
-Agamkuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjit Prasad

For the Opposite Party/s : Mr.Tapeshwar Sharma

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 16-04-2026 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 (Amendment) Act, 2022 in connection with Agamkuan P.S.Case No.148 of 2026.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case and his name has come to the fore on the basis of disclosure made by an spy. He has no link to the alleged house from where the alleged wine has been recovered.

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

5. As per the search and seizure memo, recovery of



the liquor is said to have been made from the house of the petitioner which does not bear the signature of any member of the family of the petitioner. Neither the search and seizure memo bears the signature of two independent witnesses. Both the witnesses, who have signed the search and seizure memo are police witnesses, thereby raising a doubt over the validity of the seizure itself. The quantity of liquor recovered is also meagre i.e. only 11.1 litres.

6. Considering all 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 learned Exclusive Special Court, Excise, Patna City in connection with Agamkuan P.S.Case No. 148 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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