

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35867 of 2026

Arising Out of PS. Case No.-69 Year-2025 Thana- EXCISE MAHAMMADPUR District-
Gopalganj

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Bashist Rai Son of Akhilesh Kumar R/o Village - Shahariya, P.S. - Deshri,
Dist. - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lal Babu Prasad, Advocate

For the Opposite Party/s : Ms. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 21-05-2026 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

2. As requested by the counsel for the petitioner, two weeks' time is granted to remove the defect/s, as pointed out by the Office.

3. The petitioner is apprehending his arrest in connection with Mahmadpur P.S. Case No. 69 of 2025 for the offence punishable under sections 30(a) and 32 (c) of the Bihar Excise and Prohibition Act, lodged on 08.11.2025 by the informant.

4. As per the prosecution case, there has been recovery of 69.120 litres of illicit liquor, allegedly, from a vehicle (Scorpio) bearing registration no. BR01JP5398. Accordingly, the FIR.



5. Learned counsel for the petitioner submits that the seized articles is said to have been recovered from the vehicle (Scorpio) bearing registration no. BR01JP5398 and the petitioner being the owner of the vehicle has been implicated in this case. It is the case of the petitioner that the driver namely, Ranjeet Kumar was driving the said Scorpio at the time of seizure and has been taken under judicial custody and presently on bail. It has next been submitted that since the unauthorised articles were being carried out by the driver without intimating this petitioner, who is the owner of the vehicle. The petitioner is neither connected with the seized articles nor in any way related with the allegations levelled against him by the driver of the Scorpio. Learned counsel for the petitioner further submits that the petitioner is an innocent and nothing incriminating has been recovered from his constructive possession rather the recovery of illicit liquor has been made from the Scorpio vehicle which was, at the time of recovery, under the possession of the driver who was arrested and later on granted bail. The petitioner has got clean antecedent.

6. On the other hand, learned APP vehemently opposes the anticipatory bail of the petitioner submitting that it seems improbable that there has been recovery of illicit liquor



from his vehicle and he is not aware of this fact.

7. Considering the fact that the seized articles have been recovered from the Scorpio which was being driven by the driver and this petitioner is the owner of the vehicle in question and had no information regarding the illicit liquor being carried during the seizure. Since the seized illicit liquor was not recovered from the constructive possession of this petitioner and he has also got clean antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner, above named, be released on bail in the event of arrest or surrender within a period of six weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of A.D.J. IV-cum-Spl.-Judge, Excise, Gopalganj in connection with aforesaid PS Case, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two



consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Ajit Kumar, J)

Suryadev/Rajan

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