

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23665 of 2026

Arising Out of PS. Case No.-443 Year-2025 Thana- Excise P.S. District- Sitamarhi

Rahul Kumar S/O Kari Singh R/O Village -Naranga @ Narga, P.S. - Bela,
Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

2 22-04-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Excise P.S. Case No. 443 of 2025 dated 20.06.2025 registered for the offences punishable under Section 30(a) and 32(3) of Bihar Prohibition and Excise Act.

3. As per the allegation, two motorcycle were intercepted and one person each were arrested from the motorcycle. It is alleged that from one motorcycle 7.160 litres of Nepali foreign liquor was recovered while from the other 8.160 litres of Nepali liquor was recovered.

4. Learned counsel for the petitioner has submitted that petitioner was not arrested from the spot. Petitioner happens to be the owner of the motorcycle which was being driven by co-accused Sudhir Kumar. Petitioner was not aware about an ill



intention of co-accused Sudhir Kumar. It has further been submitted that petitioner has given the motorcycle to co-accused Sudhir Kumar in good faith as he needed the motorcycle for taking his mother to hospital who needed a medical attention. It has further been submitted that at the time of search and seizure, the motorcycle in question was not under the control of the petitioner. It has further been submitted that petitioner has got no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Heard the parties and perused the record, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory 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 court concerned, Sitamarhi in connection with Excise P.S. Case No. 443 of 2025, subject to conditions as laid down under section 482(2) of the B.N.S.S.

7. The application stands allowed.

(Praveen Kumar, J)

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