

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27490 of 2026

Arising Out of PS. Case No.-24 Year-2026 Thana- KHAJEKALA District- Patna

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Rohit @ Kallu @ Kallu Yadav @ Rohit Kumar S/o Dharamveer Yadav @
Dharamvir @ Machchar Yadav R/o Village - Begam Ki Haweli Kali Mandir,
P.S. - Khajekalan, Distt . Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

3 06-05-2026 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Khajekalan P.S. Case No. 24 of 2026 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
& Excise Act.

3. As per the prosecution story which has been lodged
on the basis of the written statement of the informant who
happens to be the A.S.I. Khajekalan P.S. to the effect that on
13.01.2026 at about 10.00 hours, while he was on patrolling
duty along with other police personnel he received information
that at Kali Mandir, Begam ki Haweli Baxi Mohalla in Patna
City, country made liquor is being sold. On receiving such
information, when he reached near Kali Mandir at around 14.30



hours, one person was found standing with a blue colour bag and on seeing the police party he fled away by throwing the bag. On search of the said bag, total 25 litres of the country made liquor was recovered and on inquiry from the persons present there, one person disclosed the name of this petitioner as the person who fled away after seeing the police party.

4. The learned counsel for the petitioner submits that the petitioner is innocent and was not present at the spot. He further submits that no incriminating article or liquor has been recovered from possession of this petitioner. He further submits that despite presence of many persons near the place of occurrence, only the police personnel have been named as witnesses and in their presence the seizure list has been prepared. The petitioner is running household articles shop near Kali Mandir and he has been falsely implicated in this case due to village politics. He further submits that the petitioner is an accused in two other cases of similar nature.

5. The learned A.P.P. for the State opposes the prayer for bail and submits that petitioner is habitual offender and he is accused in two other cases related to Excise Act.

6. Having considered the rival submissions of the parties and after going through the records, it appears that petitioner was not apprehended at the spot and since he was not



apprehended on the spot, there is no question of any recovery of country made liquor from his possession. Name of petitioner transpired in this case on the statement/information given by the persons present at the place of occurrence. The petitioner has got two other cases of Excise Act and in both the cases he is on bail. Considering the facts, let the petitioner, above named, in the event of arrest or surrender within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna City, Patna in connection with Khajekalan P.S. Case No. 24 of 2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., with further condition:

(1) The learned Court concerned shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court concerned shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J)

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