

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33422 of 2026

Arising Out of PS. Case No.-21 Year-2026 Thana- SUPAUL District- Supaul

Sunil Kumar @ Raja Kumar, S/O Vidyanand Yadav R/O Vill.- Khukhnaha
Punarwas, Ward No. -14, Nagar Parishad Supaul, P.S.- Supaul, Distt - Supaul,
State - Bihar - 852131.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kuldeep Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 14-05-2026

Heard the parties.

2. The petitioner apprehends his arrest in connection with Supaul P.S. Case No. 21 of 2026 registered for the offence punishable under section 30(a) of the Bihar Prohibition & Excise Act.

3. The main submissions advanced by petitioner's counsel are that the petitioner is a 21 year old young boy, bearing no criminal antecedent and it is an admitted case of the prosecution that the recovery of the alleged liquor was made from the co-accused Santosh Kumar, who was apprehended at the alleged place and further, as per the prosecution the petitioner's name surfaced in the statement of the said apprehended co-accused Santosh Kumar and the same is said to



have been recorded before the police during police custody, which is not admissible in the eyes of law and except this, there is no material to show the petitioner's involvement in the alleged offence of the Excise Act. It is lastly submitted that as per the prosecution case, one motorcycle was also recovered from the alleged place along with the alleged liquor, however, the petitioner has no concern with the said motorcycle and he is also not the registered owner of the said motorcycle, hence, the alleged offence of the Excise Act, under which the FIR has been registered, does not attract even *prima facie* against this petitioner, so, his prayer is not hit by the provisions of section 76(2) of the Excise Act.

4. Learned APP for the State has opposed the prayer of the petitioner.

5. In the facts and circumstances of this case and considering the statements made in the petition as well as above submissions, coupled with petitioner's fair and clean antecedent and the basis of his implication in the present matter by the police, in my opinion, it is a fit case for anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/-



(Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Supaul P.S. Case No. 21 of 2026, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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