

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34128 of 2026

Arising Out of PS. Case No.-175 Year-2026 Thana- BAHADURGANJ District- Kishanganj

Rahul Kumar Sharma S/O Manikchand Sharma R/O Village- Uda Chirah,
Ward No. 05, P.S.- Mahalgaon, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 18-05-2026 Heard the learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Bahadurganj P.S. Case No. 175 of 2026, for allegedly having committed offence under Section 30(a) of Bihar Prohibition and Excise Amendment Act 2022.

3. As per the prosecution story, which has been lodged on the basis of written report submitted by the informant to the effect that on 18.03.2026 at about 22:40 hours, he got a secret information that two auto loaded with illicit liquor are coming from Silliguri and going towards Araria via, NH 327. After giving information to the higher official, the informant proceeded towards Rajdhani Dhaba along with the patrolling party. Intense checking drive was launched and during course of



checking at about 4:30 AM, two green colour CNG auto were seeing coming at a high speed. Upon seeing the police party, the auto drivers did not stop, despite the signal given by the police personnel. The police vehicle chased both the autos, however the drivers of both the autos fled away, after leaving their auto on the main road. In presence of the Police Force, search was made by the informant. Total 180.20 litres of whiskey was recovered from both the autos. From one auto bearing Registration No. BR11PC5940, 64.50 liter of liquor was recovered and from another auto bearing Registration no. BR11BC9734, 115.77 liter of liquor was recovered.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. The petitioner has been implicated in the present case, since he happens to be the owner of the auto bearing Registration no. BR11PC5940, from which 64.50 liter of illicit liquor was recovered. Apart from the fact that he is the owner, nothing has been mentioned against the petitioner. The petitioner is running transport business and he is owner of several autos, which he gives to the concerned driver, for running and takes daily amount from the drivers. It is the responsibility of the drivers to take care of the vehicle in



question. He further submits that the petitioner has got a clean antecedent.

5. The learned APP for the State vehemently opposes the prayer for bail of the petitioner.

6. Having heard the rival submissions and after going through the record, it appears that 64.50 liter of liquor was recovered from the auto belonging to the petitioner and from another auto 115.77 liter of liquor was recovered. The petitioner was not present at the place of occurrence, rather his name has transpired in the present case, since he is the owner of the auto bearing Registration no. BR11PC5940, from which 64.50 liter of liquor was recovered. The petitioner has got a clean antecedent. Considering the facts and circumstances of the case, 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 Court of Exclusive Special Judge Excise- I, Kishanganj in connection with Bahadurganj P.S Case No. 175/2026, 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)

Ajay/Kunal-

U		T	
---	--	---	--

