

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33903 of 2026**

Arising Out of PS. Case No.-39 Year-2026 Thana- MADHWAPUR District- Madhubani

Raja Kumar @ Raja Kumar Mahto S/O Satynarayan Mahto Resident of
Village- Bihari Gopal Patti, P.S.- Madhwapur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mrs. Pronoti Singh, APP

**CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER**

2 20-05-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Madhwapur P.S. Case No.39 of 2026, F.I.R dated 11.03.2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 and Sections 274, 275 and 3(5) of the B.N.S., 2023.

3. As per the prosecution case, on 11.03.2026, it is alleged that during night patrolling and raid duty on 10.03.2026, the police received confidential information from the Bihar



Prohibition and Narcotics Control Unit, Patna regarding transportation of a large consignment of liquor in a pickup van by alleged liquor smuggler Raja Kumar of village Bihari Gopal Patti. Acting upon the information, the police reached near village Bihari Tomar, where they noticed several persons gathered near a pickup van. On seeing the police vehicle lights, the persons allegedly fled away taking advantage of darkness. The police seized the pickup van bearing registration no. BR06GB-1128 and recovered 30 plastic bags and 150 cartons containing Nepali country-made liquor, amounting to 4500 bottles of 300 ml each, totalling 1350 litres. A seizure list was prepared at the spot in presence of two witnesses.

4. Learned counsel for the petitioner submits that the recovery has been made from the pick-up van bearing Registration No. BR06GB-1128, of which the petitioner is not the owner nor the driver and the petitioner has nothing to do with the seized liquor and because of his antecedent, the petitioner has been roped in the instant case. It has further been submitted that the petitioner is a poor person and is earning his livelihood by rendering his services as a labour. The search and seizure is said to have been made without adhering to the procedures / provisions prescribed under the B.N.S.S. Act.



5. Learned counsel for the petitioner, on instructions and without accepting his guilt, proposes to deposit a sum of Rs. 5,000/- (Rupees Five Thousand only) in the welfare account of the Advocates' Association of the Patna High Court.

6. Learned APP for the State opposes the prayer for anticipatory bail application.

7. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession and / or premises belonging to the petitioner and the petitioner is not the owner nor the driver of the said vehicle and because of his antecedent, the petitioner has been roped in the instant case, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

8. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Madhubani, in connection with Madhwapur P.S. Case No.39 of 2026 subject to the condition as laid down under Section 482(2) of the B.N.S.S.,



2023, and on production of the receipt showing deposit of Rs.5000/- as proposed on behalf of the petitioner, in the welfare account of the Advocates' Association of the Patna High Court.

(Ajit Kumar, J)

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