

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35105 of 2026

Arising Out of PS. Case No.-303 Year-2025 Thana- Excise P.S. District- Kishanganj

Rajendra Mehta, S/o Bindeshwari Prasad Mehta ,R/o Village - Ranipatra, PS -
Chandi, Kathwa, District - Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Amit Kumar Mishra, Advocate
	:	Mr. Anirudh Mishra, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-06-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is not named in the FIR

and apprehending his arrest in connection with Excise P.S.

Kishanganj Case No.303 of 2025 registered under Sections

30(a) and 32(3) of the Bihar Prohibition and Excise Act,

2018.

3. Allegation against the petitioner is to engage in

illegal trade/manufacturing of illicit contraband, where there

is recovery of 295 litres of Codeine Syrup.

4. It is submitted by learned counsel appearing for

the petitioner that the alleged recovery was made from a



Tempo bearing Registration No. BR37AF-4983. It is initially submitted that the present case was instituted under the provisions of the Excise Act and not under the NDPS Act. It is further submitted that the petitioner's name has been surfaced in the present case solely on the ground that he is the registered owner of the alleged vehicle, and not on the basis of any material demonstrating his conscious possession, involvement or complicity in the alleged offence. It is further submitted that the seizure list appears doubtful being not supported by independent witnesses rather than by police personnel. The petitioner claimed clean antecedent.

5. Learned APP opposed the prayer of anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions and by taking of note of fact as recovery of illicit liquor *prima facie* not appears to be made from physical possession of this petitioner, accordingly, the petitioner above-named, who is a man of clean antecedent, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on 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 Exclusive Special Judge, Excise-II, Kishanganj in connection with Excise P.S. Kishanganj Case No.303 of 2025, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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