

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 34134 of 2026

Arising Out of PS. Case No.-10 Year-2026 Thana- MAHALGAON District- Araria

Navin Kumar Son of Jagdish Vishwas Resident of Village- Tekni, Ward No. -01, Panchayat- Chaukta, P.S.- Pahalgaoon, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhlaqur Rahman, Advocate

For the Opposite Party/s : Mr.Manoj 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 Mahalgaoon P.S. Case No. 10 of 2026, for allegedly having committed offence under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, which has been lodged on the basis of the written report submitted by the informant to the effect that on the date of occurrence at about 06:00 AM, the informant along with police party was on morning patrolling and vehicle checking drive. During course of raid, when they reached near Taha chowk, at 11:45 AM, he received a secret information that one person is carrying country made liquor loaded on a motorcycle and is moving from Khata



Haat to Tekni. At about 12:08 PM, when the informant along with police party reached at bridge between village Bhuna and Banglakol, he saw three persons trying to flee away by turning their motorcycle, upon seeing the police party. One person was apprehended by the police after chase and two persons succeeded in fleeing away. The apprehended person disclosed his name as Dinesh Kumar and further disclosed the name of the two persons, who fled away as Navin Kumar (petitioner) and Bechan Viswas. Upon search of the motorcycle bearing Registration no. BR11AK5838, total 16 liters of Desi Chulai country made liquor was recovered.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has got no concern with the present case. His name transpired in the present case, only due to village politics and previous enmity with the apprehended accused person. Even the motorcycle, which has been seized from the place of occurrence is registered in the name of apprehended accused person. Petitioner has got no concern with the alleged liquor or the motorcycle. 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 records, it appears that the petitioner was not present at the place of occurrence. His name transpired on the confessional statement of the co-accused, who was apprehended at the place of occurrence. Since, the petitioner was not present at the place of occurrence, there is no question of any recovery from him. Further the motorcycle, which was seized at the place of occurrence also belongs to the arrested person. 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 Additional Session Judge-cum-Exclusive Special Excise Judge- II, Araria in connection with Mahalgaon P.S. Case No. 10 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)

Ajay/Kunal/-

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