

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36276 of 2026

Arising Out of PS. Case No.-44 Year-2026 Thana- ANGARH District- Purnia

Shankar Das @ Shankar Kumar S/o Late Sapan Das @ Sapan Lasakar @
Late Sapan Kumar Das Resident of vill- Majhgama, P.S- Angarh, Distt.-
Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak, Adv.

For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-06-2026 Heard the learned Advocate for the petitioner and the

learned Additional Public Prosecutor for the State through

virtual mode.

2. The petitioner apprehends his arrest in connection
with Angarh P.S. Case No. 44 of 2026, registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. In course of vehicle checking, the police
intercepted two motorcycles. However, noticing the police party,
two persons succeeded in fleeing away, after leaving their
motorcycles; but later on, one of the person was apprehended by
the police. The apprehended person disclosed the name of his
accomplice and further stated that the liquor was to be delivered



to the petitioner. In course of search, total 16.500 liters Indian made foreign liquor was recovered from the two motorcycles.

4. Learned Advocate for the petitioner submitted that the petitioner has neither any concern with the motorcycles, in question, nor with the recovered illicit liquor. Save and except the disclosure made by the apprehended person, there is no other material suggesting the complicity of the petitioner in crime. The reason behind the false implication of the petitioner is said to be one previous case of identical nature, as has been disclosed in paragraph no. 3 of the bail application. It is further submitted that there is no compliance of Sections 103 and 105 of the BNSS and since there is no recovery from the conscious and constructive possession of the petitioner, the bar provided under Section 76 (2) of Bihar Prohibition and Excise (Amendment) Act would not be applicable in the case at hand.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the apprehended person has disclosed the name of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record, especially the fact that the petitioner has neither any concern with the seized motorcycles nor with the illicit wine, coupled with



the absence of the materials which attracts the rigors provided under Section 76 (2) of Bihar Prohibition and Excise (Amendment) Act, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise (Court No.-01) Purnea in connection with Angarh P.S. Case No. 44 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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