

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35826 of 2026

Arising Out of PS. Case No.-823 Year-2024 Thana- Excise P.S. District- Nawada

Karu Rajbanshi Son of Mithilesh Rajbanshi Resident of Village- Kadwara,
P.S.- Parnadabar, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 26-05-2026 Heard the learned counsel for the petitioner and the
learned A.P.P. appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Nawada Excise P.S. Case No. 823 of 2024, for allegedly
having committed offences under Sections 30(a) and 47 of the
Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution story, which has been lodged
on the basis of the written report submitted by the informant, to
the effect that the police got a secret information that some
motorcycles are coming with country made wine. To verify the
authenticity of the said secret information, the police party
reached near Teenmuhani and found that 12 motorcycles were
coming. Upon seeing the police party, all the persons sitting on
the motorcycles tried to flee away, however on chase, three



persons were caught who disclosed their names as Ajay Kumar @ Ajit Kumar, Mantu Yadav and Guddu Kumar. On the disclosure made by the three apprehended persons, the name of the petitioner and others transpired in the present case. Upon search of the 12 motorcycles, total 2460 litres of country made liquor was seized, for which the seizure list was prepared.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. He submits that the petitioner was not present at the place of occurrence and his name transpired in the present case on the basis of the confessional statement made by three persons who were arrested by the police. Total 2460 litres of country made liquor was seized from 12 motorcycles, however the petitioner has got no concern with either the seized motorcycles or the seized liquor. It is further submitted that the petitioner has got one antecedent of similar nature, however in the said case, he is on bail.

5. *Per contra*, the learned APP appearing on behalf of the state opposes the prayer for anticipatory bail of the petitioner and submits that the petitioner is an accused in similar nature of case and a huge quantity of country made liquor to the tune of 2460 litres has been seized from 12 motorcycles.



6. Having considered the rival submissions and after going through the records, it appears that the petitioner was not present at the place of occurrence and his name transpired in the present case on the basis of the disclosure made by three persons who were arrested along with 12 motorcycles. From 12 motorcycles, total 2460 litres of country made liquor was seized, however nothing was recovered from the petitioner, since he was not present at the place of occurrence. The petitioner is an accused in one another case, however in the said case, he is on bail.

7. Taking into consideration the facts aforesaid, let the petitioner, above-named, in the event of his arrest or surrender within a period of six weeks, 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 Excise Court-2, Nawada in connection with Nawada Excise P.S. Case No.823 of 2024, subject to the conditions laid down under Section 482(2) of the B.N.S.S with a further condition that:-

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 antecedent, the



court concerned shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J.)

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