

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36380 of 2026

Arising Out of PS. Case No.-257 Year-2022 Thana- BATHNAHA District- Sitamarhi

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Raushan Kumar @ Roshan Kumar Singh Son of Shyam Kishor Singh
Resident of Village - Latipur, P.S.- Bathnaha, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 03-06-2026 The Court proceeding is being conducted through
virtual mode.

2. Heard learned Counsel for the petitioner and
learned APP for the State.

3. The petitioner is apprehending arrest in connection
with Bathnaha P.S. Case No. 257 of 2022 registered on
09.09.2022 for the offences punishable under Section 30(a) of
the Bihar Prohibition and Excise (Amendment) Act, 2018.

4. As per prosecution, total recovery of 34.8 liters
illicit Nepali Liquor, loaded on a motorcycle, is the subject



matter of the present case.

5. It is submitted by the learned counsel for the petitioner that the petitioner is innocent and has committed no offence. Nothing has been recovered from the conscious physical possession of the petitioner, but the name of petitioner has come in the present case only on the basis of confessional statement made by apprehended accused. Except confessional statement, no cogent material was found against the petitioner. Moreover, the petitioner has no concern either with the alleged liquor or with the motorcycle from which the alleged recovery was shown. However, one more criminal case is pending against the petitioner.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the petitioner is accused in one more criminal case of similar nature which suggests that he used to sell the illicit liquor.

7. In this background, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner in connection with Bathnaha P.S. Case No. 257 of 2022, pending before the learned Exclusive Special Excise Judge-1, Sitamarhi is hereby rejected.

8. However, if the petitioner surrenders before the



learned Trial Court within a period of four weeks from today, the Trial Court shall consider and pass an order on his surrender-cum-bail application on the same day, in accordance with law, without being prejudiced by the rejection of the petitioner's anticipatory bail by this Court.

(Dr. Anshuman, J)

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