

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35508 of 2026

Arising Out of PS. Case No.-43 Year-2026 Thana- BHAGWAN BAZAR District- Saran

Rakesh Pandit @ Rakesh Kumar S/O Radheshyam Pandit @ Sohan Pandit
R/o- Village- Ajayabganj Kumhrar Toli, P.S.- Bhagwan Bazar, District- Saran.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 21-05-2026 Heard the learned counsel for the petitioner and the
learned A.P.P. appearing for the State.

2. The petitioner apprehends his arrest in connection with Bhagwan Bazar P.S. Case No.43 of 2026, for allegedly having committed offence under Section 30(a) of Bihar Prohibition & Excise Act.

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 on 19.01.2026 at around 22:00 hours, the informant along with police personnel was on patrolling duty. While he reached at Masumganj mosque on 20.01.2026 at around 04:40 hours, then he saw three motorcycles carrying sacks tied on them. Upon seeing the police personnel, the riders of the motorcycles, taking advantage of the darkness, fled away leaving behind the motorcycles. In presence of police personnel, search was made of the sacks tied with the motorcycles, and upon search total 100.620



litres of illicit foreign liquor was recovered and accordingly, a seizure list was prepared. From the persons, who came there, the name of the petitioner and others transpired in the present case.

4. The learned counsel for the petitioner submits that the petitioner has been made an accused in the present case only on the basis of suspicion. He was not present at the place of occurrence and nothing has been recovered from his possession. The persons, who were standing there, disclosed the names of the petitioner and others. The petitioner has got no concern with either the seized motorcycles or the seized liquor and since he is accused in three other cases of similar nature, his name has been taken in the present case.

5. The learned APP appearing on behalf of the State opposes the prayer for grant of anticipatory bail to the petitioner and submits that the petitioner is an accused in three other cases of similar nature and therefore, he is not entitled to be released on anticipatory bail.

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 and his name transpired in the present case only on the basis of disclosure made by the persons, who were present at the place of occurrence. Total 100.620 litres of illicit foreign liquor was recovered from three motorcycles,



however the petitioner is said to have got no concern with the alleged seized motorcycles and the petitioner has got three criminal antecedents.

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 Additional Sessions Judge-cum-Exclusive Special Court Excise Act-I, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No.43 of 2026, 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.)

Sanjay/Shital

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