

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39158 of 2026

Arising Out of PS. Case No.-492 Year-2022 Thana- SAHPUR District- Patna

Rakesh Kumar S/o Lav Kumar Resident of Village - Semariya Nathmalpur,
P.S. - Barhara, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhim Kumar Yadav, Adv.

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-06-2026 Heard Mr. Bhim Kumar Yadav, learned Advocate for

the petitioner and learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Shahpur P.S. Case No. 492 of 2022, registered for the
offences punishable under Sections 30(a), 41, 56 of the Bihar
Prohibition and Excise Act.

3. Acting on a tip off regarding trade of illicit wine,
the police conducted raid and seized a pick up van bearing
Registration No. BR01GG5531. On search, altogether 900 litres
illicit liquor was recovered and in course of raid, three persons
were apprehended. The apprehended persons disclosed that the
consignment was to be delivered to the holder of mobile no.
9155641120, which belongs to the petitioner.



4. Learned Advocate for the petitioner submitted that save and except the disclosure made by the apprehended persons the consignment was to be delivered to the holder of the aforementioned mobile number, there is no material suggesting the complicity of the petitioner in the crime. The petitioner has neither any concern with the pick up van in question nor with the illicit wine and he also bears fair antecedent. Since no recovery has been made from the conscious or constructive possession of the petitioner, besides lack of any cogent material, as such the rigors provided under Section 76(2) of the Bihar Prohibition and Excise (Amendment) Act also does not attract; is the contention of the learned Advocate for the petitioner.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the petitioner is said to be consignee of huge amount of illicit wine.

6. Having considered the submissions advanced on behalf of the learned Advocates for the respective parties and taking note of the fact that except the disclosure made by the three apprehended persons, there is no material suggesting the complicity of the petitioner in the crime, coupled with the fair antecedent and lack of any material which attracts the rigors provided under Section 76(2) of the Bihar Prohibition and



Excise (Amendment) Act, let the petitioner abovenamed 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 Special Excise Judge, Danapur in connection with Shahpur P.S. Case No. 492 of 2022, 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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