

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37453 of 2026

Arising Out of PS. Case No.-136 Year-2026 Thana- NEMDARGANJ District- Nawada

Kajal Kumari W/O Raushan Kumar R/o - Kazi Bigha, P.S - Nardiganj,
District – Nawada Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 27-05-2026 Heard the learned counsel for the petitioner and
the learned APP for the State.

2. The petitioner apprehends his arrest in connection with Nemdarganj P.S. Case No. 136 of 2026, for allegedly having committed offence under Sections 30(a) of Bihar Prohibition and 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 01.04.2026, during course of vehicle checking, one toto vehicle was stopped, however the driver along with the vehicle tried to flee away. Upon chase, the driver was apprehended. Upon search of the vehicle, total 62.50 liters of Indian made foreign liquor was recovered from a box, which was found in between two seats and the driver, who was apprehended, disclosed his name as Vishal Kumar. A seizure list was prepared and it was disclosed that the toto belongs to Mohit



Kumar.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the apprehended person disclosed the name of the owner of the toto to be Mohit Kumar. He further submits that although the vehicle was purchased in the name of the present petitioner but, due to paucity of money, the said vehicle was handed over to the dealer and the vehicle was plying on the road under the guidance of Mohit Kumar. The name of the petitioner could not be transferred in the registration records. He further submits that the petitioner was not even present at the place of occurrence. The petitioner has got clean antecedent.

5. Per contra, the learned APP for the State vehemently opposes the prayer for bail of the petitioner.

6. Having heard the rival submissions and after going through the records, it appears that total 62.50 liters of Indian made foreign liquor was recovered from a toto and the driver was apprehended. The driver disclosed the name of the one Mohit Kumar, as the owner of the vehicle, however during course of investigation, it transpired that the actual owner of the vehicle is the petitioner. The petitioner was not present at the



place of occurrence, therefore there is no question of any recovery from her. The petitioner bears a clean antecedent. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of arrest or surrender within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Exclusive Special Excise Court-1, Nawada in connection with Nemdarganj P.S. Case No. 136 of 2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., with further condition:

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

(Ritesh Kumar, J)

Ajay/Mridula/-

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