

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40249 of 2026

Arising Out of PS. Case No.-822 Year-2025 Thana- Excise P.S. District- Gaya

Kundan Kumar S/O Arun Kumar R/O Village - Marhedi Tajpur, P.S -
Chauparan, District- Hazaribagh, Jharkhand

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-06-2026 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner is not named in the FIR
and apprehending his arrest in connection with Excise P.S.
Case No.822 of 2025 registered under Sections 30(a) and
32(3) of the Bihar Prohibition and Excise Act, 2022.

3. Allegation against the petitioner is to engage in
illegal trade/manufacturing of illicit liquor, where there is
recovery of 8 liters of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for
the petitioner that the alleged recovery of liquor found from
the petitioner's motorcycle. It is submitted that the said
motorcycle of this petitioner was given to one Deva kumar in
good faith for the purpose of procuring medicines. The
petitioner is implicated in the present case only because he is
the registered owner of the vehicle. It is submitted that the



recovery of illicit liquor was not made from conscious physical possession of the petitioner. Petitioner claimed clean antecedent.

5. Learned APP opposed the prayer of anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor *prima facie* not appears to be made from conscious physical possession of this petitioner, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to 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 Judge Excise-3, Gaya, in connection with Excise P.S. Case No.822 of 2025, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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