

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40362 of 2026

Arising Out of PS. Case No.-317 Year-2024 Thana- DARBHANGA SADAR District-
Darbhanga

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Rakesh Kumar, S/o Ram Sajivan Ray, R/o Village - Mahuain Patdoura, P.S -
Bajpatti, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prasoon Kumar, Advocate
Mr. Chandra Kant Kumar, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 01-07-2026 Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Darbhanga Sadar P.S. Case no.317 of 2024, registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, while 64.125 litres of IMFL was recovered from the Mahindra Scorpio vehicle, 277.56 litres was recovered from Mahendra Maximo van. A total of 341.685 litres of liquor was recovered. The informant states that the driver of the vehicle managed to escape.



4. Learned counsel for the petitioner submits that no incriminating article has been recovered either from the petitioner's possession or from his vehicle. The cause of his false implication in the case is that he happens to be the registered owner of the Mahindra Scorpio vehicle from which the alleged quantity of 64.125 litres of IMFL has been recovered. The petitioner is in custody since 5.5.2026 and has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the F.I.R., the petitioner having been implicated on account of he being the owner of the vehicle from which recovery as aforesaid is said to have taken place, his being in custody since 5.5.2026 and especially the petitioner not having any criminal antecedent, the petitioner is directed to be enlarged on bail in connection with Darbhanga Sadar P.S. Case no.317 of 2024 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 Excise Court-I, Darbhanga on the following condition :-



(I) If it subsequently transpires that the petitioner has any criminal antecedent, the prosecution will be at liberty to move this Court for cancellation of bail granted to the petitioner.

(Partha Sarthy, J)

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