

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40502 of 2026

Arising Out of PS. Case No.-138 Year-2026 Thana- CHAUTHAM District- Khagaria

Amin Kumar @ Amin Yadav, S/O Late Gulo Yadav, Resident of Village-
Khutiya, P.S.- Mansi, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar, Advocate
		Mr. Amit Prakash, Advocate
For the Opposite Party/s	:	Mr. M. K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-07-2026 Heard Mr. Binod Kumar, learned Advocate for the
petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Chautham P.S. Case No. 138 of 2026 registered for the offences under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. Acting on a tip off regarding trade and storage of illicit liquor, the police conducted raid in the house of one Deepak Kumar and apprehended him, however, noticing the police party, two accused persons succeeded in fleeing away. In course of search, an Alto Car, bearing registration no. BR1AB0283, parked outside his house, was also seized from which altogether 99.75 litres of Indian made foreign liquor was



recovered.

4. Learned Advocate for the petitioner submitted that save and except the disclosure made by the apprehended person, there is no other material suggesting the complicity of the petitioner in the crime. Even as per the allegation levelled in the F.I.R., the entire recovery has been made from the possession of the co-accused Deepak Kumar. The petitioner has neither any concern with the co-accused Deepak Kumar nor with the seized Alto car wherefrom the alleged illicit liquor was recovered. Only on account of the criminal antecedent, as has been disclosed in para.3 of the petition, the name of the petitioner has been implicated in the present case. There is no compliance of Sections 103 and 105 of the Bharatiya Nagarik Suraksha Sanhita, 2023, as neither the independent witness nor the Audio/video recording has been done in terms of the mandate of the aforesaid statutory provisions. The materials available on record also does not attract rigors provided under Section 76(2) of the of the Bihar Prohibition and Excise Act, 2016.

5. On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is carrying five criminal antecedent over his head of identical nature.



6. Regard being had to the submissions advanced by the learned Advocate for the parties and considering the materials available on record, especially the fact that save and except the disclosure made by the co-accused, no other material has surfaced to suggest the complicity of the petitioner in the crime, besides the lack of cogent material, which attracts the rigors provided under Section 76(2) of the of the Bihar Prohibition and Excise Act, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-I, Khagaria in connection with Chautham P.S. Case No. 138 of 2026, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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