

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39437 of 2026

Arising Out of PS. Case No.-567 Year-2025 Thana- KUCHAIKOTE District- Gopalganj

Rahul Sah @ Rahul Kumar Gond S/o Yogendra Sah Resident of Village
-Kuchaikote, P.S- Kuchaikote ,District -Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey

For the Opposite Party/s : Mr. Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-07-2026 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kuchaikote P.S. Case No. 567 of 2025 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of altogether 161.4 liters of country made liquor.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on the basis of disclosure made by apprehended co-accused person, namely, Sachin Kumar Yadav. He further submits that it appears from the F.I.R and seizure list that nothing has been recovered from the conscious possession of the petitioner and as per the



allegation as alleged in the FIR the petitioner and other co-accused persons have fled away from the place of occurrence and altogether 161.4 liters of country made liquor was recovered from the place of occurrence. It is next submitted that except the disclosure made by apprehended co-accused nothing has come during the investigation to suggest the involvement of the petitioner in the present occurrence. It is next submitted that there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioner referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable. Apart from that petitioner has antecedent of two cases other than the present case but fairly submits that the cases which are pending are not pertaining to excise matters and the petitioner is on bail in the pending matters.

6. This court is aware of the decision of the Full Bench in the case of Ram Vinay Yadav vs. State of Bihar reported in 2019(2) P.L.J.R. 1089. Having regard to the law laid down in the aforesaid judgment and the submission advanced on



behalf of the parties, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submission of counsel for the petitioner.

7. Considering the aforesaid facts, nothing has been recovered from conscious possession of the petitioner and the name of the petitioner has transpired on the basis of disclosure made by apprehended co-accused person, namely, Sachin Kumar Yadav , let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 District and Additional Sessions Judge-IV-Cum-Exclusive Special Judge, Excise Court-II, Gopalganj in connection with Kuchaikote P.S. Case No. 567 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court



below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step 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.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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