

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40831 of 2026

Arising Out of PS. Case No.-128 Year-2026 Thana- SHERGHATI District- Gaya

Prakash Kumar S/O Bajrangi Ram R/O village- Fesar, P.S.- Fesar, District-
Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Vinod Kumar, Advocate
For the Opposite Party : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and
apprehending his arrest in connection with Sherghati P.S.
Case No.128 of 2026 registered under Section 30(a) of
Bihar Prohibition and Excise Amendment Act, 2022.

3. Allegation against the petitioner is to engage in
illegal trade/manufacturing of illicit liquor, where there is
recovery of 85 litres of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for
the petitioner that the name of this petitioner arrayed only
for the reason that he is the owner of the vehicle bearing



Registration No. BR 26Z 7054. It is also submitted that the Vehicle of the petitioner was taken by his driver for his personal work, without any knowledge of this petitioner that the car was used for carrying liquor. It is also submitted that recovery of illicit liquor was not made from conscious possession of this petitioner. It is further argued that no independent witness was associated with the search and seizure list and the seizure witnesses were police personnel themselves. 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 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-



5, Gaya in connection with Sherghati P.S. Case No.128 of
2026, 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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