

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47992 of 2026

Arising Out of PS. Case No.-158 Year-2026 Thana- GAURICHAK District- Patna

Rajesh Kumar S/O Kapil Ray @ Kapil Rai Resident of Village- Jamanpura,
P.S.- Pachrukhiya, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Kumar Chaudhary, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 22-07-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Gaurichak P.S. Case No. 158 of 2026 dated 02.03.2026 registered for the offence punishable under Section/s 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per the prosecution case, the police has recovered total 50 liters of illicit country-made *Mahua* liquor which was being carried by two persons on motorcycle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is next submitted that the petitioner was not apprehended on the spot and his name has transpired in this case on the basis of the confessional statement of the arrested persons



namely Amit Kumar and Manoj Kumar, while nothing is said to be recovered from the constructive possession of the petitioner or from his house. It is further submitted that the alleged motorcycle does not belong to the petitioner. Lastly, it is submitted that the petitioner is a person of clean antecedent.

5. Learned APP for the State opposes the prayer for grant of anticipatory bail.

6. Having heard learned counsel for the parties and considering the fact that the name of the petitioner has transpired in this case on the basis of the confessional statement of the co-accused and nothing implicating has been recovered from the constructive possession of the petitioner and, as also, the petitioner having no criminal antecedent, let the petitioner, above named, be released on anticipatory bail in the event of his arrest or surrender before the court below within a period of six weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna City, Patna in connection with Gaurichak P.S. Case No. 158 of 2026, subject to the condition as laid down under Section 482(2) of the B.N.S.S. as well as the following conditions:

- (i) One of the bailors should be the family



member/relative/known of the petitioner who shall provide official document / personal affidavit to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Ajit Kumar, J)

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