

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44739 of 2026

Arising Out of PS. Case No.-768 Year-2026 Thana- Excise P.S. District- Sitamarhi

Rakesh Kumar, Son of Nagendra Mahto, R/o Vill- Radhaur, Ward no. 10 , P.S-
Sursand, Dist -Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-07-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is not named in the FIR

and apprehending his arrest in connection with Excise

Sitamarhi P.S. Case No.768 of 2026 registered under

Sections 30(a) and 32(3) of the Bihar Prohibition and Excise

(Amendment) Act.

3. Allegation against the petitioner is to engage in

illegal trade/manufacturing of illicit liquor, where there is

recovery of 66 litres of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for

the petitioner that the seized illicit liquor was recovered from



a Bike bearing Registration No. BR-30AN-8258. It is further submitted that the petitioner's name has been surfaced in the present case solely on the ground that he is the registered owner of the seized vehicle, and not on the basis of any material demonstrating his conscious possession, involvement or complicity in the alleged offence. It is also pointed out that seizure list appears doubtful being not supported by independent witnesses rather than by police personnel. The 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 fact as recovery of illicit liquor *prima facie* not appears to be made from physical possession of this petitioner, accordingly, the petitioner above-named, who is a man of clean antecedent, 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 Excise Court No.-II, Sitamarhi in connection with Excise Sitamarhi P.S. Case No.768 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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