

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43483 of 2026

Arising Out of PS. Case No.-53 Year-2025 Thana- DEODHA District- Madhubani

Rakesh Sharma, S/o Ram Deo Thakur @ Ramdev Thakur, Resident of
Village- Narkatiya Chowk Rajnagar, P.S.- Raj Nagar, District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-07-2026 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

Deodha P.S. Case No.53 of 2025 registered under Sections

274, 275 read with 3(5) of the Bharatiya Nyaya Sanhita (in

short 'BNS',2023) and Section 30(a) of the Bihar Prohibition

and Excise Act.

3. Allegation against the petitioner is to engage in

illegal trade/manufacturing of illicit liquor, where there is

recovery of 396 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 three Bikes bearing Registration No. BR-2W-1201, Registration No. BR06AX-4813 and Registration No. BR32A-3250. 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 bearing Registration No. BR06AX-4813 from which 180 litres of illicit liquor were recovered, 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 Judge Excise Act, Madhubani in connection with Deodha P.S. Case No.53 of 2025, 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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