

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48379 of 2026

Arising Out of PS. Case No.-530 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

Sushil Kumar S/o Late Raghunath Jha Resident of Village- Dighikala Purvi,
PS- Sadar Hajipur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2026 Heard learned Advocate for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Kuchaikote P.S. Case No.530 of 2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. During the course of vehicle checking, the police intercepted a Bolero Max Pick-up bearing Registration No. BR31GC2744 and apprehended its driver, who disclosed the petitioner to be the owner of the said vehicle. Upon search, 111.600 litres of illicit liquor was recovered from the vehicle.

4. Learned Advocate for the petitioner submitted that the petitioner has been implicated in the present case merely on account of he being the registered owner of the vehicle in



question, without there being any cogent material connecting him with the alleged offence, except for the confessional statement of the apprehended driver. It is further contended that there is complete defiance of Sections 103(4) and 105 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The entire prosecution case rests solely on suspicion. It is also submitted that the vehicle was being operated on hire for transportation of goods and the petitioner had neither knowledge nor reason to believe that it would be used for any illicit purpose. Although the petitioner has one criminal antecedent of a similar nature, he has already been enlarged on bail in the said case. The petitioner further undertakes to cooperate with the proceedings of the Court.

5. Learned Advocate for the State vehemently opposed the prayer for anticipatory bail and submitted that the apprehended person is none else but the driver of the vehicle in question, who disclosed about the complicity of the petitioner in the alleged offence; the petitioner being the person who happens to be the owner of the said vehicle.

6. Having considered the submissions advanced on behalf of the respective parties and taking note of the fact that the vehicle in question was being run by co-accused Sunil



Kumar Singh, who was operating it on hire for transportation of goods, coupled with the alleged non-compliance with the mandatory provisions of Sections 103(4) and 105 of the BNSS and the absence of any material attracting the rigours provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IV-cum-Exclusive Special Excise Court No.II, Gopalganj in connection with Kuchaikote P.S. Case No.530 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

rohit/-

U		T	
---	--	---	--

