

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48841 of 2026

Arising Out of PS. Case No.-123 Year-2026 Thana- KUCHAIKOTE District- Gopalganj

1. Ziyaul Haque S/o Shamsul Haque Resident of Ashandi Mahuwan, Police Station - Kuchaikote, District-Gopalganj.
2. Pawan Kumar S/o Jitendra Prasad Resident of Ashandi Mahuwan, Police Station - Kuchaikote, District-Gopalganj.
3. Rahul Kumar S/o Jitendra Prasad Resident of Ashandi Mahuwan, Police Station - Kuchaikote, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Adv.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

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

2. Learned counsel for the petitioners seeks
permission to withdraw the application with respect to petitioner
No.2, Pawan Kumar.

3. Permission is granted.

4. This application is accordingly dismissed as
withdrawn with respect to petitioner No.2, Pawan Kumar.

5. This application for anticipatory bail arises out of
Kuchaikote P.S. Case No. 123 of 2026 for the offence
punishable under Section 30(a) of the Bihar Prohibition and



Excise Act.

6. As per the allegation, the informant, who happens to be a police officer, got a confidential information that petitioner no.2 was residing in the house of one Arjun Kushwaha as tenant and was engaged in illicit sale of liquor. Upon such information, the police officer reached at the house of Arjun Kushwaha, but petitioners were alleged to have fled away from the place of occurrence and, upon search of the house, altogether 1405.29 litres of illicit liquor was recovered.

7. Learned counsel for the petitioners no. 1 and 3 has submitted that the petitioners have been falsely implicated in this case and the petitioners no. 1 and 3 have been falsely alleged to have fled away from the place of occurrence by inimical persons and the local chowkidar. It has further been submitted that, admittedly, the house was under the tenancy of petitioner no.2 (Pawan Kumar) and all the alleged recoveries has been made from that house only. It has further been submitted that petitioners no. 1 and 3 have got no concern with the alleged recoveries. It has further been submitted that procedures prescribed under Section 103 B.N.S.S. has not been followed with. It has lastly been submitted that petitioner no. 1 has got no criminal antecedent and petitioner no. 3 was accused



in two other cases out of which one is of similar nature and he is on bail in both the cases.

8. Learned counsel for the State opposed the prayer of anticipatory bail of the petitioner.

9. Heard the parties and perused the record. Considering the facts and circumstances as well as nature of material against the petitioners no. 1 and 3, let the petitioners above named, in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned D.A.J IV-cum-Exclusive Special Excise Court II, Gopalganj, in connection with Kuchaikote P.S. Case No. 123 of 2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

(Praveen Kumar, J)

Abdus/-

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