

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49236 of 2026**

Arising Out of PS. Case No.-365 Year-2026 Thana- DARIYAPUR District- Saran

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Saurabh Kumar @ Saurabh Kr. Sah, S/o Sharmanand Sah R/o Village -  
Kanakpur, Ismaila, PS - Dighwara, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Shekhar Harshvardhan, Adv.

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      29-07-2026                      Heard the parties.

2. The petitioner apprehends his arrest in connection with Dariyapur P.S. Case No. 365 of 2026, registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. Learned counsel appearing for the petitioner submits that the petitioner is the registered owner of a Swift Dzire car bearing Registration No. BR01DY2497 and has been made an accused mainly on account of being the owner of the said vehicle. As per the prosecution case, the petitioner's vehicle and another vehicle, a Scorpio car, were intercepted, and upon search, the alleged seized liquor was recovered from both vehicles. According to the FIR, two persons, namely, Anil Kumar Rai and Rahul Kumar, were found seated in the



petitioner's Swift Dzire car and were apprehended on the spot. After their apprehension, they did not disclose the name of the petitioner as being involved with them in the alleged trafficking of the liquor and he is not named in the FIR. Thus, the contents of the FIR itself are sufficient to show that the petitioner was not involved in the alleged smuggling of the liquor and has been made an accused mainly on account of being the owner of the alleged vehicle, therefore, his prayer is not hit by the provisions of Section 76(2) of the Excise Act. It is lastly submitted that though against the petitioner there is one criminal antecedent but the same relates to the offences of BNS and not an offence of Excise Act, however, he is on bail in the said case.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the above submissions and mainly the facts that the petitioner has been made accused on account of being the registered owner of the one of the seized vehicles and it is not case of the prosecution that petitioner was seen with the apprehended co-accused and only two persons were occupant in his vehicle who were apprehended and they did not disclose the name of this petitioner as being involved with them, in my opinion, the petitioner has made out a case for



anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Dariyapur P.S. Case No. 365 of 2026 on furnishing bail bond of Rs. 20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., 2023.

**(Shailendra Singh, J)**

Rajiv/-

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