

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51082 of 2026

Arising Out of PS. Case No.-194 Year-2026 Thana- KOTWA District- East Champaran

Vikash Kumar Son of Rakesh Shah @ Rakesh Prasad Shah Resident of
Village- Nimuiya, P.S.- Turkauliya, District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2026 Heard learned Advocate for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Kotwa P.S. Case No.194 of 2026 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. It is alleged that, while on routine patrolling duty, the police received information and, suspecting that an auto-rickshaw was being used for transportation of illicit liquor, intercepted the vehicle and apprehended two persons. Upon search, a total quantity of 67.50 litres of Indian Made Foreign Liquor (IMFL) was recovered from the vehicle. During interrogation, the apprehended persons disclosed the names of the petitioner and others, alleging that they were members of a



syndicate engaged in the illicit trade of liquor.

4. Learned Advocate for the petitioner contended that, save and except the disclosure made by the apprehended persons before the police, there is no material on record to suggest the complicity of the petitioner in the alleged offence. Moreover, the disclosure, having been made before the police, carries no evidentiary value in the eyes of law. Learned counsel further contended that there is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), inasmuch as the search and seizure witnesses are none else but police personnel. It is next submitted that the petitioner has been falsely implicated in this case on account of his past criminal antecedent, the details whereof have been explained in paragraph 3 of the bail application. The petitioner has no concern either with the auto-rickshaw from which the recovery of the alleged contraband has been effected or with the apprehended persons. In such circumstances, it is contended that the materials available on record do not disclose such incriminating circumstances as would justify denial of the privilege of anticipatory bail.

5. On the other hand, learned Advocate for the State opposed the bail application.

6. Having considered the submissions advanced on behalf of the respective parties and taking note of the fact that,



save and except the disclosure made by the apprehended persons, there is no material on record to suggest the complicity of the petitioner in the alleged offence, coupled with the fact that the petitioner has no connection either with the auto-rickshaw from which the recovery has been effected or with the apprehended persons and the materials available on record do not *prima facie* attract the rigours provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 so as to disentitle the petitioner from the privilege of anticipatory bail, 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. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-1, East Champaran at Motihari in connection with Kotwa P.S. Case No.194 of 2026, 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)

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