IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74386 of 2026

CNR No. BRHC011034832026

Arising Out of PS. Case No.-105 Year-2026 Thana- DANDKHORA District- Katihar

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Roshan Kumar S/o Ashok Roy R/o Village- Sauria, P.S- Dandkhora, Distt.- Katihar.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Sanjeev Kumar Singh
For the Opposite Party/s : Mr.Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 28-10-2026 Heard learned Advocate for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Dandkhora P.S. Case No. 105 of 2026, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Suspecting that two persons were carrying illicit wine on their motorcycle, the police tried to intercept them, however, one person succeeded in fleeing away, and another co-accused person, namely Mirza Ali @ Md. Lal Babu was apprehended along with the motorcycle. In course of search, total 24 litres Indian made foreign liquor was recovered.

4. Learned advocate for the petitioner submitted that

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save and except the disclosure made by the apprehended person, there is no material suggesting the complicity of the petitioner in crime. The petitioner has neither any concern with the motorcycle in question nor with the illicit wine. However, only on account of one past criminal antecedent of identical nature, his name has been implicated in this case. The witnesses to the search and seizure are none else but the police personnel, besides while carrying out the same, video recording has also not been conducted, and as such, in the submission of learned advocate for the petitioner, there is complete violation of Sections 103(4) and 105 of the BNSS. In the aforesaid premise, learned advocate for the petitioner further argued that the statutory prohibition to maintain the anticipatory bail under Section 76(2) of the Excise Act would also not be attracted.

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

6. Considering the rival submissions advanced by learned advocates for the respective parties and taking note of the materials available on record which clearly suggest that the petitioner has neither any concern with the motorcycle in question nor with the illicit wine, and save and except the disclosure made by the apprehended person, there is no other

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incriminating material/circumstances, besides the lack of ingredients to attract the rigors to maintain the anticipatory bail, as also the discrepancies shown in the search and seizure, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise Court-I, Katihar in connection with Dandkhora P.S. Case No. 105 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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