IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74167 of 2026

CNR No. BRHC011050872026

Arising Out of PS. Case No.-603 Year-2026 Thana- BHAGWAN BAZAR District- Saran

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1. Kanhaiya Chaudhary @ Kanhaiya Kumar son of Janak Chaudhary Resident of village - Sonbarsa Ke Tola, P. S -Manthi, District - Saran
2. Santosh Saheb @ Santosh Kumar Prasad @ Santosh Kumar Sah Son of Tarkeshwar Prasad Resident of village - Sonbarsa Ke Tola, Ps- Manthi Dist- Saran
3. Sanjiv Kumar Prasad @ Sanjiv Kumar Gupta son of Santosh Prasad @ Santosh Kumar Prasad Resident of village - Sonbarsa Ke Tola, Ps- Manthi Dist- Saran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Hemant Kumar, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

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

2. The petitioners are apprehending their arrest in connection with Bhagwan Bazar P.S. Case No. 603 of 2026, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Suspecting that some accused persons were carrying illicit liquor in an e-rickshaw, the police tried to intercept them. However, noticing the police party, some persons succeeded in fleeing, while one Aditya Singh @ Laddu

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Singh was arrested along with the e-rickshaw. In the course of the search, a total of 113.76 liters of Indian-made foreign liquor was recovered. The apprehended person disclosed the names of the petitioners, stating that they were involved in the business of illicit liquor and that the consignment was to be handed over to one Kanhaiya Chaudhary @ Kanhaiya Kumar.

4. Learned Advocate for the petitioners submitted that the reason behind the false implication of the petitioners is nothing, but his past criminal antecedent, as has been disclosed in paragraph no. 3 of the bail application. It is submitted on behalf of petitioner nos. 1 and 2 that, save and except the disclosure made by the apprehended person, there is nothing on record, which suggests their complicity in the crime. So far the petitioner no. 3 is concerned, his name has been implicated in this case, by virtue of his being owner of the e-rickshaw, in question. Learned Advocate for the petitioners further contended that the e-rickshaw, in question, was being run for the purposes of carrying passengers and he was not acquainted with the fact that his driver had used the same for any illicit purpose. The witnesses to the search and seizure are none-else, but the police personnel, and as such, there is no statutory compliance of Section 103(4) of the BNSS. In the aforesaid premise, it is

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submitted that the statutory prohibition under Section 76(2) of the Bihar Prohibition and Excise Act would not be applicable.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that a huge consignment of illicit liquor was recovered from the e-rickshaw and that the petitioners had succeeded in fleeing from the place of occurrence; besides, they are carrying criminal antecedent.

6. Considering the rival submissions advanced by learned Advocate for the respective parties and taking note of the facts that, save and except the disclosure made by the apprehended person, there is nothing on record which suggest the presence of the petitioners at the place of occurrence or any material collected during the course of investigation suggesting their complicity; besides the discrepancies in the search and seizure proceedings and the lack of materials attracting the rigors to maintain the anticipatory bail, let the petitioners above named be released on bail, in the event of their 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) **each** with two sureties of the like amount each to the satisfaction of the

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learned Additional Sessions Judge-cum-Exclusive Special Court Excise Act-I, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 603 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 petitioners.

(Harish Kumar, J)

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