IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74369 of 2026

CNR No. BRHC011056582026

Arising Out of PS. Case No.-492 Year-2025 Thana- RAJAOLI District- Nawada

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Kamta Rajbanshi S/o Chutan Rajbanshi R/o Village- Hemza Bharath, P.S- Sirdala, Distt.- Nawada.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Krishna Deo Raj
For the Opposite Party/s : Mr.Shailendra Kumar

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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 Rajauli P.S. Case No. 492 of 2025, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Suspecting that two persons riding on a motorcycle were carrying illicit wine, the police tried to intercept them, however, noticing the police party, both of them succeeded in fleeing away, but later on, one of the co-accused, namely Manish Kumar was apprehended from the spot, who disclosed the name of another co-accused person as Lallu Kumar. In course of search, total 2.055 litres Indian made foreign liquor was recovered.

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4. Learned advocate for the petitioner submitted that the name of the petitioner has been implicated in this case only by virtue of he being owner of the motorcycle in question. In fact, on the alleged date of occurrence, the motorcycle in question was taken away by one of his co-villager on the pretext of doing some household work, however, the petitioner was not acquainted that his motorcycle has ever been used for any illicit purposes. Even on a bare perusal of the FIR, it is evident that there was no presence of the petitioner nearby the place of occurrence and the two persons, who were riding on the motorcycle, their names have been disclosed in the FIR. The reason behind the false implication is said to be the past criminal antecedent, as has been disclosed in paragraph no. 3 of the bail application. There are various other discrepancies in the search and seizure, inasmuch as the witnesses to the search and seizure are none else but the police personnel, and while carrying out the search and seizure, video recording has also not been conducted, is the contention of learned advocate for the petitioner. In the aforesaid premise, he submits that the rigors provided under Section 76(2) of the Excise Act would also not be attracted.

5. On the other hand, learned advocate for the State

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vehemently opposed the bail application.

6 Considering the rival submissions advanced by learned advocates for the respective parties and taking note of the fact that the name of the petitioner has been implicated in this case only by virtue of he being owner of the motorcycle in question, besides lack of material which suggests his complicity and attracting the statutory prohibition to maintain the anticipatory bail, as also the discrepancies noted hereinabove while conducting 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 Excise Judge II, Nawada in connection with Rajauli P.S. Case No. 492 of 2025, 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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