IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74170 of 2026

CNR No. BRHC011059162026

Arising Out of PS. Case No.-479 Year-2026 Thana- MOHANIYA District- Kaimur (Bhabua)

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Rinku Pihal Son of Rakesh Kumar Resident of Mohalla- WZ-29, Raj Nagar, Part- 2, Palam Colony, P.S. Palam, District South West Delhi,

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rohit Priyadarshi, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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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 Mohania P.S. Case No. 479 of 2026, registered for the offences punishable under Sections 318(4), 338, 336(3) of the BNS and Section 30(a) of the Bihar Prohibition and Excise Act.

3. Acting on a tip-off regarding transportation of illicit wine through a grey-colored Tata Nexon car, the police seized the same and recovered 367.29 liters of foreign liquor, which was found parked on NH-30 near Patna Mod.

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 the owner of the vehicle, in question. It is stated that the Tata Nexon car bearing Registration No.

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DL4CBB9201 was being operated under a rental agreement by one, Amit Dahiya, a resident of Sonipat, Haryana, for a journey from Delhi to Banaras and the petitioner had no knowledge whatsoever that the driver of the vehicle, in question, had used the same for the transportation of illicit liquor. Even as per the allegations levelled in the FIR, the car was found parked near NH-30, Patna Mod, and no one had seen the presence of the petitioner at the place of occurrence. The fair antecedent of the petitioner also lend credence to his innocence, is the contention of the learned Advocate for the petitioner. The witnesses to the search and seizure are none-else, but the police personnel, and while carrying out the search and seizure, no video recording was conducted. As such, in the submission of learned Advocate for the petitioner, there has been non-compliance with the statutory prescriptions of Sections 103(4) and 105 of the BNSS.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the use of the petitioner's vehicle in the commission of the crime clearly suggests his complicity. Moreover, a huge quantity of liquor, to the tune of 367.29 liters, was recovered.

6. Considering the rival submissions advanced by learned Advocate for the respective parties and taking note of

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the fact that the name of the petitioner has been implicated in this case only by virtue of he being owner of the vehicle, in question; besides there is a serious discrepancies in the search and seizure, as well as the fair antecedent and the lack of materials, which attract the rigors to maintain the anticipatory bail under Section 76(2) of the Bihar Prohibition and Excise Act, let the petitioner above named 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 Special Judge, Excise Court No. 1, Kamur at Bhabhua in connection with Mohania P.S. Case No. 479 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further conditions:

(i) One of the bailors shall be the own/close family members of the petitioner.

(ii) The bailor shall be the local resident and he shall ensure his presence on the effective date to complete the trial.

(Harish Kumar, J)

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