IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74247 of 2026

CNR No. BRHC011080542026

Arising Out of PS. Case No.-239 Year-2026 Thana- Excise P.S. District- Nawada

==========

Sonu Kumar Son of Jainendar Prasad Resident of Village - Dedaur, P.S.- Mufassil, District - Nawada.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Man Mohan Kumar, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

==========

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 Nawada Excise P.S. Case No. 239 of 2026, registered for the offenses punishable under Sections 30(a), 41 of the Bihar Prohibition and Excise Act, 2016/ Amendment Act, 2022.

3. Acting on a tip-off regarding transportation of illicit wine through one LPG Tata tanker bearing registration no. UP70FT-8921, the police intercepted and seized the same. In course of search, a total of 117 liters of Indian-made foreign liquor and 96 liters of beer have been recovered. The driver of the tanker has disclosed the name of the petitioner as consignor of the illicit wine/beer and the same was to be delivered at

WEB COPY

Akauna and Deduar village.

4. Learned Advocate for the petitioner submitted that there is nothing on record which suggests that the petitioner was consignor of the illicit wine. Only on account of past two criminal antecedents of identical nature, the name of the petitioner has been implicated in this case, however, without there being any cogent material suggesting his complicity. The search and seizure also suffers from serious anomalies inasmuch as the witnesses to the search and seizure are neither independent persons nor, while carrying out the same, video recording has been done, and as such, it is argued that there is no compliance with Section 103(4) and Section 105 of the BNSS. The petitioner has neither any concern with the vehicle in question nor with the illicit wine, and he undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submits that a huge quantity of illicit wine was recovered and the petitioner is said to be one of the consignors.

6. Considering the rival submissions advanced by learned Advocate for the respective parties and taking note of the discrepancies in the search and seizure, coupled with the fact

WEB COPY

that there is no material suggesting the connection of the petitioner with the tanker in question from where recovery has been made, besides lack of materials which attract the rigors to maintain the anticipatory bail, 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. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court Excise-2, Nawada in connection with Nawada Excise P.S. Case No. 239 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)

Siddharth Kr.
Shaw/-

U		T	

WEB COPY