IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76503 of 2026

CNR No. BRHC011084372026

Arising Out of PS. Case No.-367 Year-2026 Thana- SURSAND District- Sitamarhi

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Rahul Kumar S/O Jaynath Paswan R/o village- ward no. 7, Banauli, P.S.- Sursand, Dist.- Sitamarhi

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Santosh Kumar, Advocate
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 05-11-2026 Heard learned counsel appearing on behalf of the petitioner and learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Sursand P.S. Case No. 367/2026 registered for the offence(s) punishable under Section 30(a) of the Bihar Prohibition and Excise Act and 317(5) of the BNS.

3. As per the allegation made in the FIR, 5.58 litres of illicit liquor was recovered from a Scooty bearing Registration No.BR30AT 9763.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Admittedly, at the time of the alleged seizure and recovery of illicit liquor, petitioner was

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not present and he has been made accused in this case, being the owner of the vehicle in question, which was given by the petitioner to his friend/co-accused Vishal Kumar in good faith and the same was being driven by him at the time of said incidence and as such the petitioner had no idea that he was carrying liquor on the said vehicle. Petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR and the fact that the petitioner has clean antecedent and also the fact that the State has failed to implement its liquor policy in its true spirit, I am of the opinion that petitioner has, *prima facie,* made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the

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satisfaction of learned Concerned Court where the case is pending in connection with Sursand P.S. Case No. 367/2026, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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