IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77630 of 2026

CNR No. BRHC011088092026

Arising Out of PS. Case No.-421 Year-2026 Thana- MALSALAMI District- Patna

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1. Rakesh Kumar S/o Late Dinesh Kumar R/o Bundeltoli, P.S.- Malsalami, Distt- Patna
2. Vikash Kumar S/o Mishri Saw R/o vill - Barisangat, P.S.- Khusroopur, Distt.- Patna

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Binay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR

ORAL ORDER

2 04-11-2026 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This application for anticipatory bail arises out of Malsalami P.S. Case No. 421 of 2026 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act.

3. As per the allegation that the petitioners, along with the co-accused persons, had stored illicit liquor near the Ganga Ghat, the police raided the said place, whereupon three persons attempted to flee. However, the police managed to apprehend one of them, who disclosed his name as Vikash Kumar @ Ghocha. During the course of the raid, 120 litres of

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country-made liquor were allegedly recovered from the alleged place.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case and their name transpired on the basis of confessional statement of co-accused Vikash Kumar @ Ghocha. It has further been submitted that nothing has been recovered from the conscious possession of the petitioners, moreover, the place of recovery was an open place which is accessible to all and does not belong to the petitioners. It has further been submitted that the procedure prescribed under Sections 103 and 105 of the B.N.S.S. have not been followed. It has lastly been submitted that the petitioners have got clean antecedents.

5. Learned counsel for the State opposed the prayer of anticipatory bail of the petitioners.

6. Heard the parties and perused the record. Considering the facts and circumstances, let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court, Patna, in connection

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with Malsalami P.S. Case No. 421 of 2026, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita.

7.This application stands allowed.

(Praveen Kumar, J)

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