IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75650 of 2026

CNR No. BRHC011092112026

Arising Out of PS. Case No.-291 Year-2026 Thana- JOKIHAT District- Araria

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Prosanta Kundu Son of Kalipado Kundu Resident of Village -Bosepara Ps -Khardaha District -North 24 Pargana West Bengal

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Kundan Kumar Singh, Adv.
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 04-11-2026 Heard learned Advocate for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Jokihat P.S. Case No.291 of 2026 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. On suspicion that certain persons were transporting illicit liquor in a Tata vehicle bearing Registration No. WB 23 M 8127, the police intercepted the said vehicle. Upon search, a total quantity of 1,911 litres of foreign liquor was allegedly recovered therefrom, and the two persons travelling in the vehicle were apprehended.

4. Learned Advocate for the petitioner submitted that

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the name of the petitioner has been implicated in this case by virtue of he being owner of the vehicle, in question. Save and except the aforesaid fact, nothing has surfaced during the course of investigation suggesting his complicity. The vehicle, in question, is said to have been given to co-accused Bishwjeet Mandal, who has taken the same on rent. However, the petitioner had no knowledge about the fact that his vehicle has ever been used for any illegal work. The fair antecedent of the petitioner lends support to the aforesaid contention. There are various other discrepancies in carrying out the search and seizure, inasmuch as the witnesses were police personnel, and the videography has also not been conducted, in order to ensure compliance of the statutory prescriptions under Section 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 vehicle of the petitioner in the crime clearly suggests his complicity, and as such, he does not deserve the privilege of anticipatory bail.

6. Considering the rival submissions advanced by learned Advocates for the respective parties and taking note of the discrepancies while carrying out the search and seizure,

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besides during the course of investigation nothing has surfaced save and except the petitioner is said to be owner of the vehicle, as well as his fair antecedent and the lack of materials which attract the rigors to maintain the anticipatory bail, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-II, Araria/successor court in connection with Jokihat P.S. Case No.291 of 2026, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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