IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75659 of 2026

CNR No. BRHC011103722026

Arising Out of PS. Case No.-120 Year-2025 Thana- Ghogha District- Bhagalpur

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Roshan Kumar @ Raushan Kumar @ Roushan Kumar son of Narendra Sharma @ Naresh Sharma Resident of Village- Ghoshai Ward no 6, P S-Chousa, District- Madhepura Bihar

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Ms. Shruti Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 04-11-2026 Heard Ms. Shruti Singh, learned Advocate for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Ghogha P.S. Case No. 120 of 2025, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Suspecting that some persons were carrying illicit wine in a Maruti Suzuki Dzire car bearing Registration No. BR10 AT-6628, the police intercepted the vehicle, in question, and apprehended one accused person. In course of search, total 36.84 liters of Indian-made foreign liquor and 48 liters of beer was recovered.

4. Learned Advocate for the petitioner submits that

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the name of the petitioner has been implicated in this case only by virtue of he being the owner of the vehicle, in question. On the alleged date of occurrence, the vehicle of the petitioner was taken away by one of his family friends after obtaining permission from the petitioner's widowed mother, and since the petitioner was, at the relevant time, residing in Punjab for employment, he was not even aware that his vehicle had been taken away for any illicit purpose. The witnesses to the search and seizure are none-else, but the police personnel. Besides, while carrying out the same, videography was also not conducted, and as such, it is argued that there has been a complete violation of the statutory prescriptions of Sections 103(4) and 105 of the BNSS. The criminal antecedent, as disclosed in paragraph no. 3, are also said to be one of the reasons for implicating the petitioner. The petitioner, however, undertakes that he will fully cooperate in the proceedings of the Court. In the aforesaid premise, it is lastly contended that there is a lack of incriminating material which attracts the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act to maintain the anticipatory bail application.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the three criminal antecedent of identical nature; besides the use of

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the petitioner's vehicle in the crime, clearly suggest his complicity.

6. Having considered the rival submissions advanced by learned Advocate for the respective parties and taking note of the discrepancies as pointed out while carrying out the search and seizure; besides the fact that, save and except the petitioner being the owner of the vehicle, in question, there is no other incriminating material suggesting his complicity in the crime, as also the lack of materials attracting 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 Distrcit & Additional Sessions Judge-IX, Bhagalpur in connection with Ghogha P.S. Case No. 120 of 2025, 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)

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