IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77254 of 2026

CNR No. BRHC011108542026

Arising Out of PS. Case No.-868 Year-2026 Thana- Excise P.S. District- Nawada

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Sonu Yadav @ Sonu Kumar S/o Shankar Prasad Yadav @ Shankar Yadav Resident of Village- Fatehpur, P.S.- Akabarpur, District- Nawada,

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Man Mohan Kumar, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 05-11-2026 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. 868 of 2026, registered for the offenses punishable under Sections 30(a), 44 of the Bihar Prohibition and Excise Act, 2016.

3. Suspecting that a motorcycle rider was carrying illicit wine, the police intercepted him and apprehended the motorcycle rider. In course of search, a total of 150 liters of country-made liquor was recovered. The apprehended person disclosed the name of the petitioner as the consignor of the illicit wine.

4. Learned Advocate for the petitioner, referring to the

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FIR, contended that neither the petitioner has any concern with the motorcycle rider nor the illicit wine. Save and except the disclosure made by the apprehended person, there is no other material collected during the course of investigation suggesting his complicity in the crime. The fair antecedent of the petitioner lends support in favor of his innocence. The witnesses to the search and seizure are none else but the police personnel; besides, while carrying out the raid, even the videography has not been done, and as such the statutory prescriptions as required to be followed has also not been done. Adverting to the aforesaid fact, it is argued that the statutory bar prescribed under Section 76(2) of the Excise Act, 2016 is not applicable to the case at hand.

4. On the other hand, learned Advocate for the State vehemently opposed the bail application.

5. Considering the rival submissions advanced by learned Advocate for the respective parties and taking note of the fact that save and except the disclosure made by the apprehended person, there is no other incriminating circumstances or materials which attract the rigors to maintain the anticipatory bail, besides other discrepancies pointed out while carrying out the search and seizure, as well as the fair

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antecedent of the petitioner, 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.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court Excise-II, Nawada in connection with Nawada Excise P.S. Case No. 868 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.
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