**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.77295 of 2026**

**CNR No. BRHC011109682026**

Arising Out of PS. Case No.-133 Year-2026 Thana- BADHAILA District- Rohtas

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1. Vikash Kumar @ Vicky Kumar S/o Late Bhola Singh @ Shiv Kumar Singh Resident Of Village - Bishunpur, Police Station - Baghaila, District - Rohtas.
2. Ravish Kumar S/o Jitan Singh @ Jitendra Singh Resident Of Village - Bishunpur, Police Station - Baghaila, District - Rohtas.

... ... Petitioner/s

Versus

The State of Bihar.

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**

ORAL ORDER

2 05-11-2026 Heard learned Advocate for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Baghaila P.S. Case No.133 of 2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. Acting on a tip-off regarding manufacturing and sale of illicit wine, the police conducted a raid over the bamboo orchard of Bhola Mahto and found various utensils used for manufacturing of illicit wine, besides recovered 16 liters of Mahua liquor kept in a plastic gallon.

4. Learned Advocate for the petitioners, referring to

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the FIR, contended that admittedly, the entire recovery has been effected from a bamboo orchard belonging to one Bhola Mahto, with which the petitioners have no concern whatsoever. Neither the petitioners are owner of the place in question nor has any concern with the recovered incriminating articles. It is further contended that the entire search and seizure proceedings are vitiated by malice, inasmuch as the statutory safeguards contemplated under Sections 103(4) and 105 of the BNSS have not been complied with. The names of the petitioners surfaced only on the basis of the disclosure made by the apprehended person, and save and except such disclosure, there is no material on record to suggest their complicity in the alleged offence. In the aforesaid circumstances, it is submitted that the rigors of Section 76(2) of the Excise Act would not be attracted in the present case. Lastly, it is submitted that the petitioners are carrying fair antecedents and undertakes to fully cooperate in the proceedings of the Court.

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

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

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seizure, besides the alleged recovery has been made from a bamboo orchard and the petitioners are carrying fair antecedent, as also the lack of materials which attract the statutory prohibition to maintain the anticipatory bail, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) **each** with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Court No. 1, Rohtas at Sasaram in connection with Baghaila P.S. Case No.133 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 petitioners.

**(Harish Kumar, J)**

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