IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77212 of 2026

CNR No. BRHC011114852026

Arising Out of PS. Case No.-398 Year-2026 Thana- MUFFASIL District- Aurangabad

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Raj Kumar S/o Varin Yadav @ Viran Yadav R/o Ravikar, P.S.- Aurangfabad Muffasil, Dist.- Aurangabad (Bihar)

... ... Petitioner/s

Versus

The State of Bihar.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Adarsh Singh, Advocate
For the Opposite Party/s : Mr. Madan Kumar, 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 APP for the State.

2. The petitioner apprehends his arrest in connection with Aurangabad (Muffasil) P.S. Case No.398 of 2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Acting on a tip-off regarding the storage and sale of illicit wine, the police conducted raid. However, noticing the police party, two persons who were carrying a sack facilitated their escape. Later on, the petitioner was identified by the local Chowkidar. In course of search, total 269.4 liters of illicit Tanaka country made liquor was recovered.

4. Learned Advocate for the petitioner submitted that

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the criminal antecedent of the petitioner, as disclosed in paragraph No. 3 of the bail application, is the very reason for his false implication in the present case. It is further contended that the identification of the petitioner by the local Chowkidar, who admittedly belongs to a different locality, itself raises serious doubts regarding the veracity of the prosecution case and suggests *mala fide* on the part of the informant. Moreover, the alleged recovery has been effected from an open place, which is easily accessible to the general public. Since nothing has been recovered from the person or conscious possession of the petitioner, learned Advocate contends that the statutory bar under Section 76(2) of the Excise Act is not attracted in the facts and circumstances of the present case.

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

6. Regard being had to the submissions made on behalf of the respective parties and considering the fact that the alleged recovery has been made from an open place, besides serious discrepancies while carrying out the search and seizure, and the doubtful identification of the petitioner, as well as the lack of materials which attract the rigors to maintain the anticipatory bail, let the above named petitioner, be released on

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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. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge cum Exclusive Special Judge, Excise Court no.- I Aurangabad (Bihar) in connection with Aurangabad (Muffasil) P.S. Case No.398 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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