IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80255 of 2026

CNR No. BRHC011125832026

Arising Out of PS. Case No.-3 Year-2026 Thana- Hariharnath P.S. District- Saran

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Ajay Kumar S/o Umesh Kumar @ Umesh Ray R/o Barbatta, P.O. and P.S.- Sonepur, District- Saran, Bihar

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sushant Kumar, Adv.
For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 25-11-2026 Heard the learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Hariharnath P.S. Case No. 03 of 2026, F.I.R dated 02.01.2026 registered for the offences punishable under Sections 30(a), 37(b) and (c) of the Bihar Prohibition and Excise Act, 2016.

3. According to prosecution case, on the written report of Ashutosh Kumar Sharma, S.I., Hariharnath P.S., stating that on 02.01.2026, while conducting vehicle checking near Anumandal Hospital, he received information regarding an accident involving a Scorpio vehicle at Chidiya Market. Accordingly, he rushed to the spot along with other police

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officials, where two persons, allegedly found in a drunken condition, were apprehended and disclosed their identities as Sachin Kumar @ Golden, the driver of the offending vehicle, and Rohit Kumar. Upon search of the vehicle, 700 ml of country-made liquor was recovered, for which a seizure memo was prepared in the presence of two witnesses from the raiding team.

4. Learned counsel for the petitioner, by referring to the agreement which is said to have been entered into in the name of this petitioner and one Monu Kumar, son of Umesh Rai, Aadhar No. 229560990971, submits that the said vehicle, being a Scorpio bearing Registration No. BR01PL9413, was sold to Monu Kumar in the year 2023 itself and the petitioner is in no way connected with the said seizure, while the persons who were found in a drunken state have already been apprehended and they are in no way related to this petitioner. It has next been submitted that the petitioner has clean antecedents and is ready to co-operate with the investigation.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the aforesaid facts and circumstances that the vehicle in question is stated to have been sold by the

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petitioner to one Monu Kumar in the year 2023 itself, that the petitioner claims to have no connection with the alleged seizure, that the persons found in a drunken state have already been apprehended, that the petitioner having clean antecedents, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Exclusive Special Excise Judge in connection with Hariharnath P.S. Case No. 03 of 2026 , subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for

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two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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