IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79791 of 2026

CNR No. BRHC011143612026

Arising Out of PS. Case No.-357 Year-2025 Thana- PARIHAR District- Sitamarhi

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Kunjesh Kumar @ Kujesh Kumar Son of Shambhu Pandit Resident of Village - Sandhwara, P.S. - Bajpatti, District - Sitamarhi.

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioner : Mr. Ranjeet Kumar Mishra, Advocate
For the State : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

2 25-11-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Parihar P.S. Case No. 357 of 2025, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The case of the prosecution is that as per the statement of the informant, ASI Naseem Akhtar, several motorcyclists were found carrying sacks of liquor on 09.12.2025 at about 4:30 AM near Gorhari-Pipra Vishunpur. On seeing the police, they abandoned their motorcycles and fled. One person, namely Somji, was apprehended, who disclosed the names of the other fleeing persons. Upon search of nine motorcycles,

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1,341 litres of Nepali-origin country liquor was allegedly recovered.

4. The learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case due to local politics and connivance of the co-accused and local chaukidar as well as local police. He further submits that nothing has been recovered from the conscious possession of the petitioner and the petitioner is a person of clean antecedents.

5. On the other hand, the learned APP for the State has opposed the prayer for bail.

6. From the allegations levelled in the FIR, it appears that the name of the petitioner has surfaced on account of statement of the co-accused. Nothing was recovered from the conscious physical possession of the petitioner. The search and seizure memo is also not witnessed by two independent witnesses. The witnesses who have signed the search and seizure memo are part of the raiding team. And therefore, there is a serious question mark about the genuineness and validity of the search and seizure itself.

Under such circumstances, no purpose would be served in denying anticipatory bail to the petitioner. I am

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inclined to grant privilege of anticipatory bail to the petitioner.

7. Let the petitioner, as named above, in the event of his arrest or surrender within four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court of Exclusive Special Excise Court-01, Sitamarhi in connection with Parihar P.S. Case No. 357 of 2025, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and subject to further condition that :-

(i) The petitioner shall co-operate in the investigation/ trial.

(ii) The learned court below would, however, verify the criminal antecedents of the petitioner and in case it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

Anuj/-

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