IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78945 of 2026

CNR No. BRHC011147832026

Arising Out of PS. Case No.-519 Year-2024 Thana- Excise P.S. District- Kishanganj

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Shiv Kumar Prasad Son of Late Harendra Prasad R/o Rebong Cart Road, Government College Quarter, Darjeeling, P.S. and District - Darjeeling, State - West Bengal

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 25-11-2026 Heard learned Advocate for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Utpad Thana P.S. Case No.519 of 2024 registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Suspecting that some accused persons are carrying illicit wine in a Santro car bearing registration no.WB20G-7334, the police intercepted the said vehicle and apprehended one Raju Kumar. Upon search of the vehicle, 170.400 litres of illicit liquor was allegedly recovered.

4. Learned Advocate for the petitioner submitted that

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the name of the petitioner has been implicated in this case by virtue of he being owner of the vehicle in question. In fact, on the fateful day, the vehicle was taken away by his driver Raju Kumar for transporting certain persons from one place to another, and the petitioner was not acquainted with the fact that his vehicle has ever been used for any illicit purpose. The fair antecedent of the petitioner also lends credence over his innocence. There are various other discrepancies in the search and seizure inasmuch as the witnesses are the police personnel and even the video recording as mandated under Section 105 of the BNSS has not been conducted. In the aforesaid premise, it is argued that the statutory prohibition as provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 is not attracted.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submits that the use of the petitioner's vehicle in the crime clearly suggests the petitioner's complicity.

6. Considering the rival submissions advanced by learned Advocates for the respective parties and taking note of the discrepancies shown in the search and seizure, besides the petitioner was not even present at the time of alleged

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occurrence, and the lack of materials which attract the rigors to maintain the anticipatory bail, as also the fair antecedent of the petitioner, let the above named petitioner, be released on 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 Exclusive Special Judge Excise-II, Kishanganj in connection with Utpad Thana P.S. Case No.519 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be either a close relative of the petitioner or a permanent resident of the locality. The petitioner shall, at the time of furnishing the bail bond, furnish his current mobile number and valid proof of residential address, along with such other particulars as may be required to facilitate communication and correspondence with him.

(Harish Kumar, J)

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