IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78955 of 2026

CNR No. BRHC011148412026

Arising Out of PS. Case No.-151 Year-2026 Thana- Karvandiya District- Rohtas

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Suraj Kumar @ Suraj Keshri Son of Dharmvir Prasad Keshari Resident of Village - Amra, P.S.- Karwandiya, District - Rohtas

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Siddharth Harsh, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 25-11-2026 Heard Mr. Siddharth Harsh, learned Advocate for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Karwandiya P.S. Case No. 151 of 2026, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Suspecting that two persons riding on a motorcycle were carrying illicit liquor, the police intercepted them and, in course of search, recovered a total of 21.500 liters of illicit country-made liquor. The apprehended persons disclosed the names of the petitioner as one of the consignors of the liquor. On the basis of such disclosure, the police also conducted raids at different places and recovered 25.875 liters and a further

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208.02 liters of country-made liquor.

4. Learned Advocate for the petitioner, taking this Court through the FIR, contended that, although three seizure lists had been prepared in the present case in relation to the recovery of different quantities of liquor, neither was the presence of the petitioner found at any of the places of recovery nor did the recovered vehicle or liquor belong to the petitioner. Save and except the disclosure made by the apprehended persons that the petitioner was one of the consignors, there was nothing on record, which suggest the complicity of the petitioner in the alleged crime. It was not the case of the prosecution that any illicit material had been recovered from the possession or whereabouts of the petitioner, and in that view of the matter, it is argued that the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 would not be attracted. The petitioner’s fair antecedent also lent credence to his plea of innocence. Learned Advocate for the petitioner further pointed out certain discrepancies in the search and seizure proceedings.

5. On the other hand, learned Advocate for the State vehemently opposed the prayer for anticipatory bail and submitted that the petitioner was disclosed to be one of the consignors of the illicit liquor and, as such, did not deserve the

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privilege of anticipatory bail.

6. Considering the rival submissions advanced by the learned Advocate for the respective parties and taking note of the fact that, save and except the disclosure made by the apprehended person, there is no other incriminating material attracting the statutory bar against grant of anticipatory bail, more so when nothing has been recovered even from the constructive possession of the petitioner, as also his fair antecedents, let the petitioner, above named, be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Exclusive Special Judge, Excise Court No. II, Sasaram, District-Rohtas in connection with Karwandiya P.S. Case No. 151 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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