IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79328 of 2026

CNR No. BRHC011155772026

Arising Out of PS. Case No.-92 Year-2025 Thana- GOPALPUR District- Gopalganj

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Prahlad Rai @ Prahalad Rai @ Prahalad Kumar Singh S/o Sachidanand Rai Resident of Village - Ahirauli Dubauli, P.S. - Gopalpur, District - Gopalganj

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.
For the Opposite Party/s : Mr. Sucheta Yadav, 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 Gopalpur P.S. Case No.92 of 2025 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Suspecting that two motorcycle-borne persons were transporting illicit liquor in gunny bags, the police intercepted them and apprehended one of the accused persons, while the other managed to flee away. During the search of both the motorcycles, 142.800 litres of country-made liquor was allegedly recovered.

4. Learned Advocate for the petitioner submitted that

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so far the motorcycles in question are concerned, allegedly they do not belong to the petitioner and save and except the disclosure made by the apprehended person, there is no iota of any material suggesting the complicity of the petitioner in crime. The witnesses to the search and seizure are none else but the police personnel. Besides, while carrying out the same, video recording has also not been done despite the mandate of Section 105 of the BNSS. The reason behind the false implication of the petitioner in the crime is said to be his past two criminal antecedents of identical nature as has been disclosed in paragraph no.3 of the bail application. In the aforesaid premise, it is argued that the statutory prohibition under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 would not be applicable.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the two criminal antecedents of the petitioner of identical nature clearly suggest his bent of mind and involvement in identical nature of crime.

6. Considering the rival submissions advanced by learned Advocates for the respective parties and taking note of the fact that the petitioner has neither any concern with the

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motorcycles nor with the illicit wine, besides the discrepancies in carrying out the search and seizure, and the lack of materials which attract the rigors to maintain the anticipatory bail, 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 District and Additional Sessions Judge-IV-cum-Exclusive Special Excise Court-II, Gopalganj in connection with Gopalpur P.S. Case No.92 of 2025, 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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