IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80074 of 2026

CNR No. BRHC011166222026

Arising Out of PS. Case No.-97 Year-2026 Thana- DARBHANGA SADAR District- Darbhanga

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RAHUL KUMAR Son of Bahadur Sahani Resident of village - Mohanpur Belhar, Police Station - Sadar, District - Darbhanga.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the State : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

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

2. The petitioner is apprehending his arrest in connection with Sadar P.S. Case No. 97 of 2026 registered for the offence(s) under Section(s) 30(a) of the Bihar Prohibition and Excise (Amendment) Act- 2016/2022.

3. As per the prosecution case, the police intercepted a scooty and one person managed to flee. On search, total 114.75 liters of foreign liquor recovered from the scooty and the local chowkidar disclosed the name of the person, who fled as Rama Yadav.

4. The learned counsel for the petitioner submits that the petitioner has falsely been implicated merely because he

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happens to be the registered owner of the scooty. It has further been submitted that he had given the scooty to Rama Yadav, and he was not aware that illicit liquor was being carried on the scooty and he has no concern, whatsoever, with the said incriminating article. It has lastly been stated that the petitioner has one criminal antecedent of similar nature and that is also one of the reasons that the petitioner has falsely been implicated.

5. The learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner, above-named, be released on anticipatory bail, in the event of his arrest or surrender before the concerned Court/successor Court within a period of four weeks from today, on his furnishing bail bond in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court/successor Court where the case is pending in connection with Sadar P.S. Case No. 97 of 2026 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with

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corresponding Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) as well as subject to the following conditions :

(i) One of the bailors of the petitioner shall be his close relative and the other shall be a local resident.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the concerned Court.

(iv) If the petitioner, in future, is found to be involved in similar nature of offence(s), the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The concerned Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that he has concealed his criminal antecedent, the Court concerned shall take necessary steps for cancellation of his bail bond. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

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