IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50574 of 2026

Arising Out of PS. Case No.-202 Year-2023 Thana- GANGABRIDGE District- Vaishali

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Brajesh Kumar Rai @ Brajesh Kumar Son of Laxman Prasad Rai @ Lakshman Ray R/O Village - Nath Chapra, P.S.- Dariyapur, District - Saran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Manish Kumar, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

3 20-08-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Ganga Bridge P.S. Case No.202 of 2023, FIR dated 15.09.2023, registered for the offence punishable under Sections 30(a), 36, 41(1) of the Bihar Prohibition Excise Act, 2018.

3. As per the FIR, 855 liters of illicit country made liquor is said to have been recovered from pick up van bearing Registration No.BR01V-3850 and total 7444.800 liters country made liquor recovered from 12 wheeler truck bearing Registration No.RJ19GE8167.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the

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present case. It is further submitted that the petitioner has been roped in the case merely on the ground that he is the registered owner of the pickup van bearing Registration No. BR01V3850. However, as a matter of fact, the petitioner had already transferred the said vehicle in favour of one Umesh Kumar Yadav, whose details are duly mentioned in the *panchnama* prepared in respect of the said transfer. It is submitted that the Investigating Officer is at liberty to verify the said transfer, which is said to have been effected on the basis of Annexure-P/2 to the bail application. It is further submitted that the petitioner has no concern with the alleged recovery and no recovery has been made from his conscious or constructive possession. Lastly, it is submitted that the petitioner has no criminal antecedents.

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

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession of the petitioner, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on

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anticipatory bail in the event of arrest or surrender before the Court below within a period of four weeks from today on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned learned Exclusive Special Judge (Excise 1), Vaishali at Hajipur/Successor Court in connection with Ganga Bridge P.S. Case No.202 of 2023, subject to the condition as laid down under Section 482(2) of the BNSS.

(Ajit Kumar, J)

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