

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11091 of 2026

Arising Out of PS. Case No.-434 Year-2025 Thana- MINAPUR District- Muzaffarpur

1. Shashi Kumar Gupta S/o Yadavlal Sah Resident of Village- Mahamadpur Balmi, P.O. and P.S.- Motipur, District- Muzaffarpur, State- Bihar
2. Munni Devi W/o Raj Kumar Sah Resident of Village- Birpur, P.O. and P.S.- Kanti, District- Muzaffarpur, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhigyan Kumar, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 17-02-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in anticipation of their arrest in connection with Minapur P.S. Case No. 434 of 2025 instituted for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per the prosecution case, the police intercepted a motorcycle and a scooty and apprehended two persons. On search, total 35 liters of spirit was recovered from the motorcycle.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case. Petitioner



nos. 1 and 2 are the owners of the motorcycle and the scooty respectively. It is further submitted that the petitioners are innocent and they had, in fact, given their vehicles to their friends. However, it was the apprehended accused persons who were carrying the said spirit. It has further been submitted that no recovery has been made from the conscious possession of the petitioners and the petitioners have clean antecedents.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for anticipatory bail.

6. Considering the facts aforesaid, the petitioners are directed to be released on bail, in the event of their 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, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court I, Muzaffarpur in connection with Minapur P.S. Case No. 434 of 2025, subject to the conditions as laid down under Section 482 of the BNSS and subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioners;

(ii) the petitioners will remain present on each and



every date fixed by the Court below, if so required by the learned Trial Court;

(iii) in case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will liable to be cancelled by the Court concerned;

(iv) the Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioner have concealed their criminal antecedents, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of the same on 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.

(Sourendra Pandey, J)

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