

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7102 of 2026

Arising Out of PS. Case No.-671 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

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Shambhu Prasad Son of Late Asharfi Prasad Resident of village - Shanichara
Tola Godwa, Ps- Muffasil, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 04-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in Muffasil
P.S. case No. 671 of 2025 registered under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. The prosecution allegation, in short, is that 47 liters
spirit was recovered out of which 20 liters spirit was recovered
from the house of co-accused and 27 liters spirit was recovered
from behind the house of co-accused.

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



present case. The petitioner has got five criminal antecedents in which he is on bail. No incriminating material has been recovered from the conscious possession of the petitioner. It is further submitted that recovery is made either from the house of co-accused or behind the house of co-accused. The name of the petitioner has transpired on the basis of disclosure made by apprehended co-accused. The petitioner has got no knowledge and concern with the alleged recovery of spirit. Learned counsel, therefore, submits that prima facie, no case is made out against the petitioner. There is no compliance of Section 103 of B.N.S.S., 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. The petitioner has criminal antecedents

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with Muffasil P.S. case No. 671 of 2025, subject to the conditions as laid down under



Section 482 (2) of Bharatiya Nagarik Suraksha Sanhita, 2023.

(Rudra Prakash Mishra, J)

Pankaj/-

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