

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10710 of 2026

Arising Out of PS. Case No.-138 Year-2025 Thana- BALIA BELON District- Katihar

Saroj Kumar Vishwas S/o Kailash Vishwas Resident of - Sikoma @ Sikorna
P.S - Kadwa, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 17-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Balia Belon P.S. Case No. 138 of 2025, registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. The case of the prosecution, in short, is that on 03.09.2025, the informant proceeded for patrolling along with other police personnels. During search of the vehicle at Futani Chowk Meenapur, a motorcycle was coming from Panchgachi Dam side, the raiding party stopped the aforesaid vehicle, but motorcycle rider was succeeded to flee away leaving the motorcycle by taking advantage of darkness. Upon search, total 04.875 liters illegal foreign liquor was recovered which was



kept in dicky of the said vehicle. Thus, seizure list was accordingly prepared. Hence, the F.I.R.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that the petitioner has been implicated because he is the owner of the seized vehicle. Nothing has been recovered from the conscious physical possession of the petitioner. He further submits that the petitioner has no criminal antecedent.

5. Learned A.P.P. for the State opposes the prayer of anticipatory bail.

6. Considering the fact that no recovery has been made from the conscious physical possession of the petitioner and he has simply been implicated because he is the owner of the seized vehicle as also that the petitioner has clean antecedent, this Court is inclined to grant privilege of anticipatory bail to the petitioner.

7. Let the petitioner, named above, in the event of his arrest or surrender before the Court below within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge



Excise Court No. 1, Katihar in connection with Balia Belon P.S.
Case No. 138 of 2025, subject to the conditions laid down under
section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023
as also further condition that:-

(i) the petitioner shall co-operate in the
investigation/trial.

(ii) the learned Court would, however, verify the
criminal antecedent of the petitioner and in case it is found that
the petitioner has concealed his criminal antecedent, the Court
below shall take step for cancellation of bail bond of the
petitioner. However, it is expected that the verification process
would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

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