

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17394 of 2026

Arising Out of PS. Case No.-378 Year-2025 Thana- MANJHI District- Saran

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Vishal Gupta @ Vikash Gupta @ Vikash Son of Birij Kishore Prasad Gupta
@ Braj Bhushan Prasad @ Brij Bhushan Prasad Gupta Resident of Village-
Katokhar, P.S.- Manjhi, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Adv.

For the Opposite Party/s : Mr.Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

2 25-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Manjhi P.S. Case No.378 of 2025 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is recovery of 41.58
liters of foreign liquor from the motorcycle.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence and he has
falsely been implicated in this case. Learned counsel for the
petitioner further submits that the petitioner was not



apprehended from the spot and no recovery was made from the conscious physical possession of the petitioner. Learned counsel for the petitioner next submits that petitioner's name has surfaced on account of statement made by co-accused, Sunny Kumar Choudhary and Vikash Kumar Singh and also the search and seizure memo is not signed by two independent witnesses.

5. The learned APP opposes the anticipatory bail application.

6. Considering the fact that the petitioner was not apprehended from the spot and therefore no recovery was made from the conscious physical possession of the petitioner and further given the fact that his name has surfaced on account of statement made by co-accused, Sunny Kumar Choudhary and Vikash Kumar Singh and also given the fact that the search and seizure memo is not signed by two independent witnesses, which puts a question mark on the legality and validity of the seizure itself. Under these circumstances, this Court is inclined to grant privilege of anticipatory bail to the petitioner.

7. Accordingly, the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on anticipatory bail on his furnishing bail-bonds in the sum of



Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Exclusive Special Excise Judge, Saran in connection with Manjhi P.S. Case No.378 of 2025, subject to the conditions laid down under Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita.

(Alok Kumar Sinha, J)

Prakash Narayan

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