

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16888 of 2026**

Arising Out of PS. Case No.-152 Year-2025 Thana- Rasalpur District- Bhagalpur

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Bablu Singh Son of Late Mohan Singh Resident of village - Nababganj, Ward  
No.- 1, P.S.- Manihari, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sudhir Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, 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 Rasalpur P.S. Case No.152 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 14.22  
liters of foreign liquor from a 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 on the spot and no recovery of liquor has been made from the conscious physical possession of the petitioner, and he has simply been implicated in the case because he happens to be the owner of the motorcycle. Learned counsel for the petitioner next submits that no independent witnesses have signed the search and seizure memo.

5. The learned APP opposes the anticipatory bail application.

6. Considering the fact that the petitioner was not apprehended on the spot and therefore, no recovery of liquor has been made from the conscious physical possession of the petitioner and that he has simply been implicated in the case because he happens to be the owner of the motorcycle and also given the fact that no independent witnesses have signed the search and seizure memo which puts a question mark on the legality and validity of seizure, 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 Special Exclusive  
Excise Judge-II, Bhagalpur in connection with Rasalpur P.S.  
Case No.152 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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