

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21763 of 2026

Arising Out of PS. Case No.-299 Year-2021 Thana- KESARIA District- East Champaran

Abhay Kumar @ Ajay Kumar @ Abhay Kunwar @ Ajay Kunwar Son of Late
Indrajeet Kunwar Resident of Village- Dilawarpur, Ward No. 09, P.S.-
Kesaria, District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 08-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection
with Kesaria P.S. Case No. 299 of 2021 lodged on 01.09.2021,
for the offence punishable under Sections 30(a), 32 & 41(i) of
the Bihar Prohibition and Excise Act.

3. As per the prosecution, FIR has been lodged against
five named accused persons including the present petitioner.
Total recovery of 276.480 litres of illicit liquor has been made,
which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that when the present case was lodged, the criminal



antecedent of the petitioner was clean, but subsequently, the petitioner was made accused in another case in the year 2022, about which he has fairly informed. Counsel submits that in this case, the petitioner is basically the victim and nothing has been recovered from his conscious possession, rather, the alleged recovery has been made from a hut. Counsel submits that the petitioner has been made accused in this case only on the disclosure made by local *chowkidar*.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. In the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of Exclusive Special, Excise Court No.3, East Champaran, Motihari, in connection with Kesaria P.S. Case No. 299 of 2021, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023 with further conditions:-

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show



his/her *bona fide*;

(ii) the petitioner shall appear before the Trial Court on each and every scheduled date, and failure to do so for two consecutive dates without any plausible reason/explanation shall be resulted into cancellation of his bail bonds by the Trial Court itself;

(Dr. Anshuman, J)

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