

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21733 of 2026

Arising Out of PS. Case No.-115 Year-2026 Thana- BETTIAH CITY District- West
Champaran

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Dipu Kumar Son of Late Buddhu Ram @ Premchandra Ram Resident Of
Village -Ambedkar Nagar Police Station-Bettiah Town District-west
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

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

2. The petitioner is apprehending arrest in connection with Bettiah Town P.S. Case No. 115 of 2026 lodged on 21.02.2026, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022, pending in the Court of Special Judge Excise Court-I, Bettiah, West Champaran.

3. As per the prosecution, FIR has been lodged against the sole petitioner. Total recovery of 10 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 nothing has been recovered from the conscious possession of the petitioner and he was also not apprehended from the alleged place of occurrence. He submits that the petitioner's name has figured in this case only by virtue of the disclosure made by local public gathered at the place of occurrence. Counsel further submits that the criminal antecedent of the petitioner is not clean as there are two cases pending against him and in both cases, he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean as there are two cases pending against him which is registered under Excise Act and this aspect must be taken into consideration.

6. As such, in the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, if petitioner surrenders before the concerned Trial Court within a period of 4 weeks from today then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day, without being



prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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