

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21787 of 2026

Arising Out of PS. Case No.-36 Year-2026 Thana- MOTIPUR District- Muzaffarpur

Kanhaiya Kumar S/o Dev Narayan Sahani Resident of village -Gehuachak,
P.S.- Motipur, Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, 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 Motipur P.S. Case No. 36 of 2026 lodged on 31.01.2026, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, FIR has been lodged against three named accused persons including the present petitioner and owner of motorcycle. Total recovery of 90 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 his name was disclosed by the apprehended accused person. Counsel submits that the petitioner is the owner of the alleged seized motorcycle which was taken away by the co-accused in good faith for necessary work. He submits that the petitioner has no concern with the alleged seized liquor. He further submits that the petitioner has clean antecedent and he is ready to fulfill all the conditions whatsoever shall be imposed upon him.

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 Judge Excise-II, Muzaffarpur, in connection with Motipur P.S. Case No. 36 of 2026, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

7. The Trial Court is directed to verify the criminal antecedent(s) of the petitioner, and in case, it is found at any



stage that the petitioner has concealed the fact about his criminal antecedent(s), the Trial Court shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of the bail bonds in terms of the above-mentioned order shall not be delayed for the purpose of or in the name of verification.

(Dr. Anshuman, J)

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