

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30511 of 2026**

Arising Out of PS. Case No.-70 Year-2026 Thana- SIMRI District- Buxar

Bhola Ram S/O Late Radha Ram @ Sri Kewal Ram R/O Village- Balihar,  
P.S- Simri, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Dr.Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr.Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      06-05-2026                      Heard Mr. Dr.Kamal Deo Sharma, learned counsel  
appearing on behalf of the petitioner and Mr. Pushpa Sinha,  
learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection  
with Simri P.S. Case No. 70/2026 for the offence under section  
30 (a) of the Bihar Prohibition and Excise Amendment Act  
2022.

3. As per the allegations made in the FIR, on the basis  
of secret information, the police conducted a raid at the alleged  
premises of the petitioner from where 34.2 litres of country-  
made liquor and 30.42 litres of foreign liquor were allegedly  
recovered concealed in paddy straw, while the petitioner  
allegedly fled away from the place of occurrence after noticing  
the police party.



4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has been falsely implicated in the present case on account of personal animosity. He further submitted that no recovery has been made from the conscious possession of the petitioner and the alleged recovery of 34.2 litres of country-made liquor and 30.42 litres of foreign liquor was made from a *Dalan* alleged to be a joint family property and not in the exclusive possession of the petitioner. The petitioner was not apprehended from the place of occurrence. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, upon consideration of the materials available on record, it appears that the petitioner was not apprehended from the place of occurrence and the alleged recovery has not been made from his conscious possession. It further appears that the alleged recovery was made from a *Dalan* stated to be a joint family property. I am of the opinion that the petitioner has, *prima facie*, made out a case to be released on anticipatory bail.



7. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned District Court where the case is pending in connection with Simri P.S. Case No. 70/2026, subject to the condition as laid down under Section 482 of the BNSS//438(2) of the Cr.P.C.

**8. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.**

**(Purnendu Singh, J)**

Ashishsingh/-

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