

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31597 of 2026

Arising Out of PS. Case No.-390 Year-2026 Thana- SIKARPUR District- West Champaran

Gabbar Jaiswal @ Raju Ranjan Jaiswal @ Gabbar Jayswal S/o Late Ramji Jaiswal Resident of village - Prakash Nagar, ward no. 12, P.S.- Shikarpur, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharad Kumar Verma, Adv.

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

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 07-05-2026 Heard Sharad Kumar Verma, learned counsel for the petitioner and learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Shikarpur P.S. Case No. 390 of 2026 for the offence punishable under sections 30(a) of the Bihar Excise and Prohibition Act, lodged on 01.04.2026 by the informant.

3. As per the prosecution case, there has been recovery of 55.2 litres of illicit liquor, allegedly, from an open space falling within the boundary of the petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the alleged recovery is said to have been made from an open space/vacant land which falls within the boundary of the petitioner. The petitioner has been named by the co-accused,



Raja Kumar who happens to be the son of the petitioner, though he has got no concerned with the recovered liquor. Petitioner has got clean antecedent and nothing incriminating is said to have recovered from his constructive possession.

5. Learned APP opposes the prayer submitting that there is recovery of 55.2 litres of illicit liquor from the vacant land falling within the boundary of the petitioner.

6. Considering the fact that the recovery has not been made from the constructive possession of this petitioner and the place from where the seizure is said to have been made is a vacant land having easy access to all, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, above named, be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise-II, West Champaran at Bettiah in connection with aforesaid PS Case, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s)



who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Ajit Kumar, J)

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