

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33384 of 2026

Arising Out of PS. Case No.-865 Year-2025 Thana- Excise P.S. District- Siwan

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Ajit Kumar Son of Subash Prasad Resident of Village- Near Mathiya
Makhdum Saray, P.S.- Siwan Town, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Kumari Anupam, Adv. Ms. Awantika Pushpam, Adv.
For the Opposite Party/s	:	Mr.Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 18-05-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State through Virtual Mode.

2. The petitioner apprehends his arrest in connection with Excise Siwan P.S. Case No. 865 of 2025 dated 14.12.2025 registered for the offences punishable under Sections 30(a) and 47 of the Indian Penal Code.

3. The prosecution case is to the effect that the police, while checking the vehicles, intercepted one motorcycle. The driver of the motorcycle tried to escape, however, he was apprehended and on search, total 75.880 litres of illegal foreign liquor was recovered. The apprehended person disclosed his



name as Dhannu Kumar.

4. The learned counsel for the petitioner submits that the petitioner has been implicated as an accused merely because he happens to be the owner of the motorcycle. It has further been submitted that the petitioner has no concern whatsoever with the alleged seizure of illicit liquor and that the motorcycle of the petitioner was taken away by his friend, and as a good gesture, he had lent his motorcycle to him and therefore, he cannot be saddled with the responsibility of the liquor being carried on his motorcycle. It has next been submitted that no recovery whatsoever has been made from the petitioner, though he has one criminal case of similar nature against his name in which he is on bail.

5. The learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid submissions made by the parties and taking into account the facts and circumstances of the case, the petitioner, above named, is directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail-bond of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



the learned Court below where the case is pending/successor court in connection with Excise Siwan P.S. Case No. 865 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) The trial court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedents, the trial court shall take necessary steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above mentioned order shall not be delayed for purpose of or in the name of verification.

7. It is made clear that the observations, if any, made



in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

Gautam/Anjali

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