

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33749 of 2026

Arising Out of PS. Case No.-30 Year-2026 Thana- Champanagar District- Purnia

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Deepak Mandal, Son of Surendra Mandal, Resident of Village- Prasadpur,
P.S.- K. Nagar (Champa Nagar), District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 20-05-2026 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner is apprehending his/her arrest in
connection with Champa Nagar P.S. Case No. 30 of 2026
registered for the offence(s) under Section(s) 30(a) of Bihar
Prohibition and Excise Act.

3. As per the prosecution case, the informant has
received a secret information that a person namely, Chhotu
Kumar is selling foreign liquor from his shop. A raid was
conducted and on seeing the police, 4-5 persons fled away from



the place of occurrence and one person was apprehended, who disclosed his name as Ashish Kumar. A motorcycle was also recovered from the place of occurrence and the same was seized. While on search, 1.5 liters of foreign liquor was recovered from the conscious physical possession of the apprehended accused, namely, Ashish Kumar.

4. The learned counsel for the petitioner submits that the petitioner was not apprehended with any incriminating article or illicit liquor and has been named as accused only because he is the owner of the alleged seized motorcycle which was found parked at the shop of apprehended accused person. It has further been submitted that the petitioner was not initially named in the FIR, but subsequently his name has surfaced being the owner of the alleged seized motorcycle. It has next been submitted that no recovery has been made from the seized motorcycle rather the same has been made from the possession of the apprehended accused, namely, Ashish Kumar. It has lastly been submitted that the petitioner has clean antecedent.

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

6. Considering the facts and circumstances of the



case and the submissions advanced on behalf of the parties, let the petitioner, above-named, be released on anticipatory bail, in the event of his/her arrest or surrender before the concerned Court/successor Court within a period of four weeks from today, on his/her furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court/successor Court where the case is pending in connection with Champa Nagar P.S. Case No. 30 of 2026, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with corresponding Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) as well as subject to the following conditions :

(i) One of the bailors of the petitioner shall be his/her close relative and the other shall be a local resident.

(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 for two consecutive occasions or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the concerned Court.

(iv) The concerned Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that he/she has concealed his/her criminal antecedents, the Court concerned shall take necessary steps for cancellation of his/her bail bond. However, the



acceptance of bail bonds 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)

krishna/deepak/-

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