

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33355 of 2026

Arising Out of PS. Case No.-11 Year-2026 Thana- Badem P.S. District- Aurangabad

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Satyendra Ram S/o Late Padum Ram R/o vill - Kekar, P.S.- Badem, Distt.-
Aurangabad, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 14-05-2026 Heard the parties.

2. The petitioner apprehends his arrest in connection with Badem P.S. Case No. 11 of 2026 registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act.

3. Mr. Shailesh Kumar Singh, learned counsel for the petitioner, submits that the alleged liquor is said to have been recovered from a place adjacent to the wall of the petitioner's house which is accessible to everyone and was not in the exclusive possession of the petitioner at the time of recovery, so, the alleged liquor cannot be deemed to have been recovered from the exclusive possession of the petitioner, hence, the alleged offence under the Excise Act for which the FIR has been registered is not attracted even prima facie against the petitioner, so, his prayer is not hit by Section 76(2) of the Bihar



Prohibition and Excise Act. It is lastly submitted that the petitioner's past is completely clean and he has never been involved in any such type of offence.

4. Though learned APP has opposed the prayer of the petitioner but fairly accepted that the place of recovery of the alleged liquor was situated near the wall of the petitioner's house.

5. In the facts and circumstances of this case and considering the statements made in the petition as well as above submissions, coupled with the place of recovery of the alleged liquor as stated above, this Court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Badem P.S. Case No. 11 of 2026, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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