

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33309 of 2026

Arising Out of PS. Case No.-185 Year-2025 Thana- Pachpakdi District- East Champaran

Mantu Lal Kumar, S/o Bhola Sah, R/o Village - Kodariya, P.S- Patahi, Distt.-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Khushi Awadh, Advocate Mr. Jitendra, Advocate Mr. Narain Sinha, Advocate
For the Opposite Party/s :		Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 19-05-2026 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State through virtual mode.

2. The petitioner is apprehending his/her arrest in connection with Pachpakri P.S. Case No. 185 of 2025 registered for the offence(s) under Section(s) 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. As per the prosecution case, the police, while patrolling, received information that the persons who deal in illicit liquor are carrying a stock on a motorcycle. During vehicle check, one motorcycle was seen coming loaded with a sack on the back, however, the driver of the motorcycle managed to flee away taking advantage of by lanes of the village. On search, total 97.500 litres of *Nepali* country made



liquor was seized and a case was registered against the owner of the said motorcycle.

4. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case merely because he happens to be the owner of the seized motorcycle. It has further been submitted that the petitioner has no role to play in the entire episode rather he was framed just because he is the owner of the motorcycle. It has next been submitted that the motorcycle of the petitioner was given to some other person, who had taken the same, however, the petitioner was not aware that any illicit liquor was being carried on the same and hence, he cannot be saddled with the responsibility. 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 Pachpakri P.S. Case No. 185 of 2025, 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 court below shall verify the criminal antecedent of the petitioner(s) except in present case, registered for the offence under Section 30A of the Bihar Prohibition and Excise Act and, in case at any stage it is found that the petitioner(s) has/have concealed his criminal antecedents, the court below shall take step for cancellation of bail bonds of the petitioner(s). However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for the purpose of the same or in the name of verification.

(v) 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)

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