

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33431 of 2026

Arising Out of PS. Case No.-142 Year-2026 Thana- AMARPUR District- Banka

Suraj Kumar, S/o Late Suro Mandal, Resident of Village - Gouripur, P.S. -
Amarpur, Dist. - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate

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

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. Petitioner apprehends his arrest in connection with
Amarpur P.S. Case No. 142 of 2026 registered for the offences
under Sections 30(a) Bihar Prohibition and Excise
(Amendment) Act, 2026.

3. As per the prosecution case, the police officials,
during routine patrolling, received secret information that two
persons are coming on a Toto carrying illicit liquor. On seeing
the police, the said persons allegedly tried to escape, however,
the police managed to apprehend one person, who disclosed his
name as Rohit Kumar, who was the driver of the Toto and who
disclosed the name of the petitioner. On search, a total of 337
liters of illicit mahua liquor was recovered from the Toto.



4. Learned counsel for the petitioner submits that the petitioner has no concern whatsoever with the recovered liquor and he is also not the owner of the Toto, which was intercepted and from where the said liquor was seized. It has further been submitted that the petitioner has falsely been implicated in the present case and no incriminating article has been recovered either from his possession or from the house of the petitioner. It has also been submitted that the petitioner has one criminal antecedent of a similar nature and the anticipatory bail application of the petitioner is pending in the said case.

5. Learned APP for the State has opposed the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case and taking into account that the alleged liquor was recovered from the possession of Rohit Kumar and that the Toto in question also does not belong to the petitioner, let the petitioner above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(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



Amarpur P.S. Case No. 142 of 2026, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be his close relative.
- (ii) The petitioner shall remain physically present in Court on each date of the trial.
- (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) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.
- (v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.
- (vi) In view of the antecedent of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Banka within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is



found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

7. Accordingly, the prayer for anticipatory bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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