

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34055 of 2026

Arising Out of PS. Case No.-20 Year-2026 Thana- BATHNAHA District- Sitamarhi

Birendra Singh Son of Late Nandlal Singh Resident of village - Thothraha
Ward No.- 12, P.S.- Bathnaha and Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Ms.Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

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

2. The petitioner apprehends his arrest in connection with Bathnaha P.S. Case No. 20 of 2026 registered for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise Act, 2022.

3. As per the prosecution story which has been lodged on the basis of the written report submitted by the informant to the effect that on 12.01.2026 while he along with police personnel was on a patrolling duty at about 15.40 hours, he received secret information that the petitioner is engaged in business of selling Nepali Liquor in a Tin shed shop. After giving information to the Senior police officials, the informant reached at the place of occurrence at around 15:45 hours. Upon



seeing the police personnel, one person started fleeing. The police tried to apprehend the said person, but he succeeded in fleeing away. It has further been alleged that one boy, upon enquiry said that the shop belongs to his father and he disclosed the name of his father as the petitioner. Upon search, a red-yellow colour bag was found, from which total 4.200 litres of Nepali liquor was found, for which seizure list was also prepared.

4. The learned counsel for the petitioner submits that the petitioner is innocent and nothing has been recovered from his possession. He was not present at the place of occurrence. The recovery has been made from a shop alleged to be belonging to the petitioner. However, the petitioner has got no concern with the alleged shop or with the seized liquor. He further submits that the petitioner has got clean antecedent.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Having heard the learned counsel for the parties and after going through the records, it appears that 4.200 litres of Nepali liquor was recovered from a bag from a Tin shed shop, however petitioner was not present at the place of occurrence. His name has been taken by a boy, whom the police



alleges to be the son of the petitioner. The petitioner has got clean antecedent. Considering the same, let the above named petitioner, in the event of arrest/surrender within a period of six weeks, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-I, Sitamarhi in connection with Bathnaha P.S. Case No. 20 of 2026, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 with further condition:

(i) 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 court concerned shall take step for cancellation of bail bonds 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.

(Ritesh Kumar, J)

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