

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 34747 of 2026

Arising Out of PS. Case No.-100 Year-2026 Thana- BIRAUL District- Darbhanga

Sudin Kumar Nandi S/o Anil Kumar Nandi R/o Village - Debalay Sarat
Chandra Pally, P.S - Siliguri (M corp), District - Jalpaiguri (W.B)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivam Prerna, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

2 20-05-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Biraul P.S. Case No. 100/2026 of registered for the offences punishable under Sections 30(a) and 41(i)(ii) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, altogether 1296 litres of foreign liquor has been recovered from a truck. The petitioner is alleged to be the owner of the truck in question from where the alleged recovery has been made.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel for the petitioner has submitted that the truck is a commercial vehicle and petitioner being the owner of the truck cannot be fixed with the liability, when the driver of the truck was



driving the same. It has further been submitted that at the time of search and seizure, the truck was not under the control of the petitioner. It has further been submitted that search and seizure as prescribed under Section 105 of B.N.S.S has not been followed. It has lastly been submitted that petitioner has got no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned in connection with Biraul P.S. Case No. 100/2026 , subject to the conditions as laid down under Section 482(2) of the Bharitya Nagrik Suraksha Sanhita (B.N.S.S.)

7. This application stands allowed.

(Praveen Kumar, J)

vashudha/-

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