

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35518 of 2026

Arising Out of PS. Case No.-115 Year-2024 Thana- MAJORGANJ District- Sitamarhi

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Dipu Kumar S/o Jaymangal Sahni R/o Village - Janki Nagar, P.S.- Majorganj,
District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Virendra Kumar, Adv.
For the Opposite Party/s : Mr.Sucheta Yadav, APP.

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 21-05-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in Majorganj P.S. Case No. 115 of 2024 registered under Sections 414 and 307 of the Indian Penal Code and 30(a) of Bihar Prohibition and Excise Amendment Act, 2012.

3. As per prosecution story which has been lodged on the basis of written report submitted by the informant to the effect that while he was on patrolling duty, he received information from local Chaukidar that liquor traders were coming on two motorcycles with illicit liquor and will pass through Bahera Chowk. When he tried to stop them, they pushed one another chowkidar from motorcycle due to which, he fell down and sustained injuries. The local people caught hold of two liquor traders with motorcycles and the third one, succeeded in fleeing away. The informant alongwith police party



reached there and on interrogation, the apprehended persons disclosed the name of the petitioner, who is said to have fled away. On search, 36 Lts. of Nepali Saufi liquor was recovered from the two motorcycles and the seizure-list was prepared.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has got no concern either with the alleged liquor or with motorcycles. He is neither the owner of the motorcycle nor he was found present at the place of occurrence. Nothing has been recovered from possession of the petitioner. He further submits that his name has been taken by the apprehended persons due to local politics. He further submits that the petitioner has got one antecedent of similar nature, however in the said case, he is on bail.

4. The Learned APP for the State opposes the prayer for anticipatory bail of the petitioner and submits that the petitioner has got one case of similar nature and, therefore, if he will be granted the privilege of anticipatory bail, he will be again indulge in the same activity.

5. Considering the rival submissions and after going through the records, it appears that 36 litres of Nepali Sofi was recovered from the two motorcycles and two persons were apprehended at the place of occurrence. On their confessional statement, the name of the petitioner has transpired as the person who fled away. Further nothing was recovered from possession of the petitioner and he was not present at the place of occurrence. He has got one antecedent of



similar nature.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge- I, Sitamarhi in connection with Majorganj P.S. Case No. 115 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., with further condition:

(I) The learned Court concerned 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 steps 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.

(Ritesh Kumar, J)

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