

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36494 of 2026

Arising Out of PS. Case No.-115 Year-2026 Thana- JANTA BAZAR District- Saran

Sudhir Kumar @ Sudhir Kumar Kunwar S/O Birendra Kunwar R/O Village -
Senduar Kunwar Tola, Dayalpur, P.S - Janta Bazar, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-06-2026 The Court proceeding is being conducted through
virtual mode.

2. No one appears on behalf of the petitioner in spite of the fact that there were two Counsels on record, namely, Mr. Bishwajeet Singh and Mr. Gaurav Kumar. However, learned APP for the State is present.

3. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS, 2023') for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Janta Bazar P.S. Case No. 115/2026, lodged on 23.04.2026, under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022, pending in the Court of 3rd Exclusive Special Excise Judge, Saran at Chapra.



4. As per the prosecution, total recovery of 304.200 litres of foreign liquor has been made which is the subject matter of the present case. The alleged recovery was made from a place which is situated behind the back of the house of Manan Mahto. The apprehended person, namely, Manu Kumar Yadav, disclosed that a four-wheeler and a motorcycle loaded with a huge quantity of liquor were parked in the mango orchard. Upon search, 261 litres of foreign liquor were recovered from the four-wheeler and 43.200 litres of foreign liquor were recovered from the motorcycle.

5. The defence has been taken in the bail application that petitioner is innocent and has committed no offence. The alleged recovery has been made from a mango orchard and petitioner has falsely been implicated in this case on the basis of suspicion only. It is pleaded that the petitioner is a resident of another village, except the disclosure of co-villager, no material has come against the petitioner. There is no compliance of Sections 103 and 105 of the BNSS. The petitioner is neither the owner of the four-wheeler nor of the motorcycle, and he is not the owner of the mango orchard. There is no chance of petitioner's absconding or tampering. It is further pleaded that the petitioner is ready to fulfill all the conditions whatsoever



shall be imposed on him.

6. Learned APP for the State, on the other hand, opposes the prayer for bail of the petitioner and submits that the arrested accused persons have disclosed the name of the petitioner and on whose disclosure, recovery has been made from four-wheeler and motorcycle. The antecedent of the petitioner is not clean. There are three criminal cases pending against him and he is on bail in all three cases as mentioned in para-3 of the bail petition. He submits that one of the antecedent is under Excise Act also.

7. Upon perusal of the record, it transpires that the disclosure made by the apprehended person is corroborative in nature.

8. As such, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, anticipatory bail petition of the petitioner is hereby rejected. However, in the event of surrender of the petitioner within four weeks from today, the prayer for regular bail shall be considered on merit on the same day without being prejudiced by the order of this Court.

(Dr. Anshuman, J)

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