

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39172 of 2026

Arising Out of PS. Case No.-69 Year-2026 Thana- THARTHARI District- Nalanda

Sanjay Prasad S/O Late Babu Chand Yadav, Resident of Village - Atwal Chak,
P.S. - Tharthari, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyamal Prakash, Advocate
For the State : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 17-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Tharthari P.S. Case No. 69 of 2026, dated 12.04.2026, registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per allegation, on secret information, police starting chasing Alto Car bearing Registration No. BR-21A-2841 carrying illicit liquor. However, all three occupants of the car were successful in fleeing away and the vehicle was seized recovering 100 litre of illicit liquor. As per further police case, the persons, who had fled away from the car, were named as petitioner by the local chawkidar.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that as a matter of fact, petitioner is no way connected with the alleged offence. It is hard to believe that anybody can be successful to flee away from the place of occurrence where car is being chased and recovery is made by the police. He further submits that the whole prosecution case is based only on suspicion and there is no legally admissible evidence against the petitioner and no *prima facie* case is made out against him under the Excise Act and despite his criminal antecedent, he is entitled to get anticipatory bail.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has nine criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his



furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Tharthari P.S. Case No. 69 of 2026, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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