

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39225 of 2026

Arising Out of PS. Case No.-245 Year-2021 Thana- ARA NAGAR District- Bhojpur

Awadh Bihari Prasad, S/O Late Ganga Sah, Resident of Village- Pareo, P.S.-
Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate.

For the State : Mr. Upendra Kumar, 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 Ara Town P.S. Case No. 245 of 2021 dated
03.03.2021 registered for the offence punishable under Section
30(a) of Bihar Excise Act.

3. As per allegation, Motorcycle bearing registration
No. BR-01AT-2296 was carrying 10 litres illicit liquor and on
seeing the Police the Motorcyclist fled away leaving behind the
Motorcycle. After search, 10 litres illicit liquor was recovered
from the bag tied up with the Motorcycle.

4. Learned counsel for the petitioner submits that the
Petitioner is innocent and has falsely been implicated in this
case. He further submits that petitioner is neither owner of the



vehicle nor he was driving the same. He has nothing to do with the alleged offence. He also submits that the petitioner is not named in the First Information Report. The whole case is based only on suspicion.

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 no 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 Ara Town P.S. Case No. 245 of 2021, 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 antecedent, 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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