

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47363 of 2026

Arising Out of PS. Case No.-57 Year-2026 Thana- Patarghat District- Saharsa

Ashish Kumar S/o Shyamal Yadav R/o Village - Pipra, Ward no. 3, P.S. - Patarghat, Dist. - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RANJAN KUMAR JHA
ORAL ORDER

2 24-07-2026 Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

2. The petitioner is apprehending his arrest in connection with Patarghat P.S. Case No. 57 of 2026 registered for the offences punishable under Sections 30(a) and 30(c) of the Bihar Prohibition and Excise Act, 2018.

3. The allegation in the FIR is that the police conducted a raid at the premises of the petitioner, on the basis of information received, who fled away allegedly taking advantage of the darkness from the spot. The local Chowkidar disclosed the identity of the said person as petitioner. It is further alleged that, on the basis of the information furnished by the Chowkidar, raw materials were recovered from the premises and illicit



manufacturing activity was found to be in progress.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated due to local enmity, which is evident from the allegations contained in the FIR itself. It is submitted that although the informant party conducted a raid, they failed to apprehend any person at the spot and merely alleged that the person who escaped under the cover of darkness was the petitioner. It is further contended that the search and seizure were not conducted in accordance with the mandatory procedure prescribed under law. Learned counsel also submits that the petitioner has a clean antecedent, which further supports his contention that he has been falsely implicated in the present case.

5. Learned APP appearing for the State has vehemently opposed the prayer for anticipatory bail.

6. Having considered the submissions advanced on behalf of the petitioner, and keeping in view the allegation of false implication due to local enmity, the fact that the petitioner was not apprehended at the spot and petitioner's clean antecedent, let the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on



furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each of the satisfaction of learned Exclusive Special Judge(Excise)-I, Saharsa/concerned court, in connection with Patarghat P.S. Case No. 57 of 2026, subject to the conditions as laid down under Section 482(2) of the BNSS, with further conditions that:-

(i) One of the bailors shall be family member of the petitioner.

(ii) If the petitioner is found to be involved in any similar offence in future, the Court below shall be at liberty to initiate proceedings for cancellation of the bail bond in accordance with law.

(Ranjan Kumar Jha, J)

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