

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43068 of 2026**

Arising Out of PS. Case No.-28 Year-2026 Thana- GOPALPUR District- Gopalganj

Munna Singh Son of Nandlal Singh Resident of Village- Bodha Chhapar, P.S.-
Gopalpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 08-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Gopalpur P.S. Case No. 28 of 2026 lodged on 29.01.2026, for the offence punishable under section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, FIR has been lodged against four named accused persons including the present petitioner and driver & owner of a motorcycle. Total recovery of 44.200 litres of illicit liquor has been made, which is the subject matter of the present case.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that nothing has been recovered from the conscious possession of the petitioner and the alleged recovery has been made from two motorcycles. Counsel further submits that the name of the petitioner has figured in this case only on the basis of confessional statement of co-accused. He further submits that the criminal antecedent of the petitioner is not clean as there are six cases pending against him and in all the cases, he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean as there are six cases pending against him in which, three cases are registered under Excise Act and this aspect must be taken into consideration.

6. As such, in the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

7. However, liberty is granted to the petitioner that if he surrenders before the concerned Trial Court within a period of 4 weeks from today then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day, without being prejudice that the anticipatory bail



of the petitioner has been rejected by this Court and the Trial
Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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