

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42050 of 2026

Arising Out of PS. Case No.-414 Year-2024 Thana- KOILWAR District- Bhojpur

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Upendra Bin S/o Chhotai Bin @ Chotai Bin R/o vill - Pachrukhiya Kala, P.S.-
Koilarwar, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramanuj Tiwary, Adv.

For the Opposite Party/s : Mrs. Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-07-2026 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Koilarwar P.S. Case No. 414 of 2024 lodged on 16.10.2024, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022, pending in the Court of Exclusive Special Excise Court No.2, Bhojpur at Ara.

3. As per the prosecution, FIR has been lodged against the sole petitioner and owner of a motorcycle. Total recovery of 15 litres of country made 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 a motorcycle. Counsel submits that the petitioner was not apprehended from the place of occurrence and his name has figured in this case only by virtue of the disclosure made by the local people. He further submits that the criminal antecedent of the petitioner is not clean as there are two cases pending against him and in both the cases, he is on bail and no recovery has been made.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the criminal antecedent of the petitioner is not clean as there are two cases pending against him and both the cases are registered under Excise Act.

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, if petitioner 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, specifically considering the ingredients of the offence, 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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