

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44028 of 2026**

Arising Out of PS. Case No.-173 Year-2026 Thana- OBRA District- Aurangabad

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Anil Kumar Son of Binda Yadav R/O Village - Prem Bigaha @ Pream Bigha,
P.S.- Obra, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi

For the Opposite Party/s : Mr. Khurshid Anwar

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

- 2 03-07-2026 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 30(a), 30(c) of Bihar
Prohibition and Excise Amendment Act, 2022.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of four cases under the Excise Act and
is in custody since 27.05.2026 and allegation is of recovery of
138 litres of litres from a field along with 350 litres of spirit and
two motorcycles were seized. It is next submitted that petitioner
was not arrested from the spot as such nothing was recovered
from his conscious possession and the field does not belong to
the petitioner but then he came to be implicated based on the
fact that he is owner of one of the seized vehicles. It is next
submitted that no prudent person would use his own vehicle for



committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that the petitioner was completely unaware that his friend would misuse the vehicle in the manner as alleged, who also fled from the spot. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either through chowkidar, local person, confessional statement or secret information without holding a proper investigation.

4. Learned A.P.P. opposes the prayer for bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner and taking into consideration the period of custody, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs.5000/- (Rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Obra P.S. Case No.173 of 2026.

(Satyavrat Verma, J)

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