

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48197 of 2026

Arising Out of PS. Case No.-45 Year-2026 Thana- BABURA District- Bhojpur

Upendra Bin S/o Chhotai Bin @ Chotai Bin R/o Village - Panchrukhiya Kala,
P.S. - Babura, Dist. - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 22-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Babura P.S. Case No. 45 of 2026 for the offence punishable under section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018 lodged on 08.05.2026 by the informant.

3. Altogether 90 litres of illicit country made liquor is said to have been recovered from two motorcycles bearing Registration Nos. BR03AT-8862 and BR03AK-8332.

4. Learned counsel for the petitioner submits that the name of the petitioner has been dragged in this case on the basis of statement made by one Satar Nut while the seized motorcycle along with illicit liquor does not belong to the petitioner.



Though the petitioner has got two antecedent of similar nature but he is on bail.

5. Learned APP vehemently opposes the prayer for anticipatory bail stating that the petitioner's antecedent speaks of his character being habitual offender.

6. Considering the fact that nothing incriminating has been recovered from the constructive possession of the petitioner and the motorcycle from-where the illicit liquor is said to have been recovered, does not belong to the petitioner, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, above named, be released on bail in the event of arrest or surrender within a period of six weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ***Exclusive Special Excise Court No.1, Bhojpur at Ara*** in connection with aforesaid PS Case, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial



Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his/their bail bonds.

(Ajit Kumar, J)

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