

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45145 of 2026

Arising Out of PS. Case No.-43 Year-2026 Thana- VAINI District- Samastipur

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Aman Kumar S/o- Shatrudhan Sah @ Shatrudhan Pd. Sah @ Shatrughan Prasad Sah, R/o Village- Khaira Ward No. -14 (Wrongly mentioned in F.I.R. as Ward No. -15), P.S.- Waini, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate
For the State : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

2. The petitioner seeks bail, apprehending his arrest, in connection with Waini P.S. Case No. 43 of 2026, dated 19.04.2026, registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

3. As per allegation, total 144.250 liter of illicit liquor has been recovered from the bush near the playground of Utkramit Middle School. It is further case of the police that on secret information, police reached the place of recovery, but seeing the police, the petitioner has fled away and as per the local chowkidar, it was the petitioner who fled away.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that the recovery of the contraband has been made from an open space which is accessible to the public at large and the petitioner has nothing to do with the alleged offence. He further submits that the petitioner has also six criminal antecedents, but in all those criminal cases, he is on bail and in the previous case, the petitioner has been falsely implicated without any evidence against him.

5. On the basis of the material available, no case is made out against the Petitioner under Excise Act and the Petitioner is entitled to get anticipatory bail.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the recovery of contraband from public place, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Waini P.S. Case No. 43 of 2026, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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