

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48234 of 2026

Arising Out of PS. Case No.-56 Year-2026 Thana- NIRMALI District- Supaul

OP Mandal @ Upendra Mandal S/o Late Bachha Lal Yadav R/o Village-
Hariyahi, P.S- Nirmali, Dist- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 22-07-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with S.T. Excise Case No.236 of 2026 (arising out of Nirmali P.S. Case No. 56 of 2026), F.I.R dated 26.03.2026 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2022 (Amended).

3. As per the prosecution case, on a written report dated 26.03.2026 alleging that during patrol duty against illicit liquor, the informant received secret information that the petitioner, O.P. Mandal, was transporting liquor in a black plastic bag on a motorcycle. Acting on the information, the police conducted vehicle checking near Hariyahi Petrol Pump. Upon noticing the police, the petitioner allegedly abandoned the



bag and fled from the spot. Despite a chase, he escaped. On search of the abandoned bag, conducted in the presence of official witnesses, 36 liters of Mama Shri Namak liquor were recovered and seized, and accordingly the F.I.R.

4. Learned counsel for the petitioner submits that the recovery has been made from an open place accessible to the general public. While there is a complete violation of Sections 103 & 105 of B.N.S.S., 2023 in procedure of search and seizure. It has next been submitted that nothing incriminating has been recovered from the conscious possession of this petitioner and the seized illicit liquor is in no way connected with this petitioner. Learned counsel for the petitioner fairly submits that the petitioner has one criminal antecedent, in which he is on bail. It is also submitted that the petitioner is ready to cooperate with the investigation to reach to a logical conclusion.

5. Learned APP for the State opposes the prayer for anticipatory bail application in respect of the petitioner.

6. Considering the fact that the recovery which is said to have been made from an open place, which is accessible to general public and the petition is in no way connected with the seized articles and being ready to cooperate with the investigation to reach to a logical conclusion, accordingly, this



Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise, Court No.2, Supaul, in connection with the aforesaid P.S. Case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit 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/her/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 their bail
bonds.

(Ajit Kumar, J)

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