

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48196 of 2026

Arising Out of PS. Case No.-54 Year-2026 Thana- NATWAR District- Rohtas

Deepak Jaiswal S/o Raj Kumar Jaiswal Resident of Village- Tedhi Bazar,
Markeenganj, PS- Ghazipur Sadar Kotwali, District- Ghazipur, UP

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Siddharth Harsh, Adv.

For the Opposite Party/s : Mr.Md. Nazir Ansari, 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 Natwar P.S. Case No. 54 of 2026 for the offence punishable under sections 30(a) of Bihar Prohibition and Excise Act, lodged on 13.04.2024 by the informant.

3. Altogether 341.67 litres of illicit liquor is said to have been recovered from Maruti Suzuki Ertiga Car bearing Registration No. UP62AS-0829.

4. Learned counsel for the petitioner submits that the vehicle in question, from where the seizure of illicit liquor is said to have been made, was being driven by the driver having two passengers therein, who were said to be carrying the said illicit liquor and all of them including driver fled away after seeing the police. The present prosecution has been lodged only



on the basis of this petitioner being the owner of the said vehicle while nothing is said to have been recovered from his constructive possession. It has next been submitted that there is no independent witness at the time of seizure which is said to have been made with respect to the illicit liquor and there is violation of Section 103 of the BNSS. Petitioner has got clean antecedent and has got no concern with the transportation of the liquor.

5. Learned APP opposes the prayer for anticipatory bail and submits that a huge amount of recovery of illicit liquor has been made from the car which belongs to the petitioner.

6. Considering the fact that the petitioner was neither present at the place of occurrence nor was he apprehended on the spot, nothing incriminating has been recovered from his constructive possession and he had given his vehicle for earning livelihood to the driver being unaware of the fact as to what was being carried by his car and he has got clean antecedent, 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 Judge, Excise Court No.II, Sasaram, Rohtas*** 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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