

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48034 of 2026

Arising Out of PS. Case No.-15 Year-2026 Thana- VISHAMBHARPUR District- Gopalganj

Bipul Rai @ Bipul Ray @ Vipul Rai S/o Birbali Rai @ Birbali Singh R/o
Village- Ishar Patti, PS- Vishambharpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan, Adv.

For the Opposite Party/s : Ms.Asha Devi, 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 Vishambharpur P.S. Case No. 15 of 2026 dated 13.02.2026 registered for the offence punishable under Section/s 30(a) of the Bihar Prohibition and Excise Amendment Act.

3. As per the prosecution case, the police has recovered total 49.400 liters of illicit country-made liquor from two motorcycles bearing Regd. No. BR29AZ-9287 and BR28U-6523.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the instant case merely on the basis of his criminal antecedents. It is next submitted that the name of the petitioner has transpired in this case on the basis of the disclosures made by the arrested co-accused Jyotish Kumar Gond and, except this, there is nothing



adverse against him. It is further submitted that the motorcycles from which the alleged recovery of illicit liquor has been made do not belong to the petitioner and is in no way connected with the seized article. It is further submitted that nothing incriminating has been recovered from the constructive possession of the petitioner. It is further submitted that the petitioner bears six criminal antecedent out of which in one of them he is on bail and in one case, he has been acquitted as has been mentioned in Para-3 of the instant anticipatory bail application.

5. Learned APP for the State opposes the prayer for grant of anticipatory bail.

6. Having heard learned counsel for the parties and considering the fact that the petitioner has no concern with the alleged motorcycles and nothing incriminating has been recovered from the constructive possession of the petitioner and, as also, the fact that the name of the petitioner has transpired in this case on the basis of the disclosures made by the arrested co-accused, let the petitioner, above named, be released on anticipatory bail in the event of his arrest or surrender before the court below within a period of six weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.II, Gopalganj in connection



with Vishambharpur P.S. Case No. 15 of 2026, subject to the condition as laid down under Section 482(2) of the B.N.S.S. as well as the following conditions:

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

(ii) the petitioner 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 bail bond by the Trial Court itself;

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

(Ajit Kumar, J)

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