

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47997 of 2026

Arising Out of PS. Case No.-16 Year-2024 Thana- SAHIYARA District- Sitamarhi

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Dipu Kumar @ Dipu Sahni Son of Jaymangal Sahni Resident of Village-
Janki Nagar, P.S.- Majorganj, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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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 Sahiyara P.S. Case No. 16 of 2024 dated 13.02.2024 registered for the offence punishable under Section/s 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per the prosecution case, the police has recovered total 81.6 liters of illicit liquor from two motorcycles.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is next submitted that neither the seized liquor nor the seized motorcycle, from which the recovery is said to have been made, belongs to the petitioner. It is further submitted that the petitioner is neither owner nor driver of the seized



motorcycle. Learned counsel for the petitioner further submits that nothing incriminating is said to have been recovered from the constructive possession of the petitioner and his name has transpired in this case only on the basis of the confessional statement of the co-accused Ramji Kumar. Lastly, it is submitted that the petitioner bears one criminal antecedent in which he is on bail.

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

6. Having heard learned counsel for the petitioner and considering the fact that the name of the petitioner has transpired in this case on the basis of the confessional statement of the co-accused and nothing incriminating has been recovered from the constructive possession of the petitioner and, as also, the fact that the seized motorcycle does not belong to the petitioner, 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 Judge-1, Sitamarhi in connection with Sahiyara P.S. Case No. 16 of 2024, 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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