

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48218 of 2026

Arising Out of PS. Case No.-251 Year-2023 Thana- DUMARIAGHAT District- East
Champaran

MD. LALBABU @ LAL MOHAMMAD MIYA Son of Md. Nabujan
Resident of Village- Rajpur, P.S.- Kesariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap, Advocate
For the Opposite Party/s : Mr.Mohammed Arif, 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 Dumariya Ghat P.S. Case No. 251 of 2023, F.I.R dated 15.09.2023 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, on 15.09.2023, while conducting vehicle checking and patrolling near Duboli Charki NH-27, ASI Ramsinhasan Singh and other police personnel received secret information that a person was transporting foreign liquor on motorcycle No. BR06AK9745. Acting on the information, the police intercepted the motorcycle after the rider



attempted to flee. The rider was apprehended and identified as Kunal Kumar Singh, son of Vijay Singh, resident of P.S. Kesariya. During search of the motorcycle, conducted in the presence of police witnesses after independent witnesses declined to participate, 14.76 litres of illegal foreign liquor were recovered. A seizure list was prepared and the accused was taken into custody.

4. Learned counsel for the petitioner submits that the name of this petitioner has been transpired from the confession made by co-accused Kunal Kumar Singh, while the seized foreign liquor was recovered from the Glamour motor cycle bearing Reg. No. BR06AK9745, which does not belongs to this petitioner, and nothing incriminating has been said to have been recovered from the constructive possession of this petitioner. It has next been submitted that the petitioner has clean antecedent.

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

6. Considering the fact that the seized foreign liquor, which is said to have been recovered form the motor cycle, does not belong to this petitioner, that nothing incriminating has been recovered from the constructive possession of the petitioner and the petitioner having clean antecedent, 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-3, Motihari, East Champaran 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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