

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48102 of 2026

Arising Out of PS. Case No.-188 Year-2026 Thana- KUCHAIKOTE District- Gopalganj

SHASHI SINGH @ JAI SHASHI SINGH W/O CHANDRESH SINGH
VILL- MARVATIYA, PS- PURANI BASTI, DISTT- BASTI, STATE-
UTTAR PRADESH

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Priya Raj, Advocate Mr. Partha Sarthy, Advocate Mr. Diwakar Pandey, Advocate
For the Opposite Party/s	:	Mr. Rohit Kumar, Advocate Mr. Umesh Lal Verma, 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 Kuchaikote P.S. Case No.188 of 2026, F.I.R dated 17.04.2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, on 17.04.2026 at about 5:15 P.M., while the informant, Manish Kumar, A.S.I., along with the police party, was on routine patrolling duty at Balthari Check Post under Kuchaikote Police Station, an Ertiga car bearing Registration No. UP-51CT-1929, carrying three persons,



approached the check post. On noticing the police party, the occupants allegedly attempted to flee, but they were apprehended with the assistance of the police personnel. Upon interrogation, they disclosed their identities as Dharmendra Kumar, Raja Jaiswal and Mohammad Sameer. It is alleged that, in the presence of two witnesses, a search of the vehicle led to the recovery of 2 litres of English liquor, whereafter a seizure list was prepared in accordance with law.

4. Learned counsel for the petitioner submits that the petitioner is the owner of the Etriga car bearing Registration No. UP-51CT-1929, which was driven by the driver, who has been apprehended on the spot along with two other persons and were taken into judicial custody and merely being the owner of the alleged vehicle, the petitioner has been implicated in the present case. It has further been submitted that the petitioner was neither present at the place of occurrence nor was anything recovered from the constructive possession of the petitioner. Lastly, it has been submitted that the petitioner has clean antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has



not been recovered from the constructive possession and / or premises belonging to the petitioner and the driver along with two other persons have already been taken into judicial custody and the petitioner has clean antecedent, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four 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 Kuchaikote P.S. Case No.188 of 2026, 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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