

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51323 of 2026

Arising Out of PS. Case No.-24 Year-2026 Thana- EXCISE MAHAMMADPUR District-
Gopalganj

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Shyam Babu Rai @ Shyam Babu Ram son of Laxman Rai Resident of
Village- Banaura (Banrawa), Ps- Baikunthpur, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Braj Kishore Pd., App

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-07-2026 Heard Learned Counsel for the petitioner and

Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Mohammadpur (Excise) P.S. Case No. 24 of 2026, lodged on 14/03/2026, under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, total recovery of 4.140 litres of foreign liquor has been made which is the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel submits that antecedent of the petitioner is not clean and there are two criminal cases pending against the petitioner in which he is on bail. He submits that the recovery has not been made from the conscious possession of the petitioner. He submits that the petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that antecedent of the petitioner is not clean and there are two identical criminal cases pending against the petitioner.

6. Considering the criminal antecedents against the petitioner, the prayer for anticipatory bail of petitioner is hereby refused. However, in the event of surrender of the petitioner within four weeks from today, the prayer for regular bail shall be considered strictly on the same day without being prejudiced by the order of this Court.

(Dr. Anshuman, J)

Mkr./Anshuman/

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