IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71901 of 2026

CNR No. BRHC011046592026

Arising Out of PS. Case No.-46 Year-2024 Thana- GOPALPUR District- Bhagalpur

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Debabrata Bhattacharjee Son of Kamakshyacharan Bhattachrjee Resident of village- Purbo Rangamatiya Rupnarayanpur, P.S.- Rubra Rupnarayanpur, District- West Bardhman, West Bengal

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Diwakar Upadhyaya, Advocate
For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 28-10-2026 Heard Mr. Diwakar Upadhyaya, learned counsel appearing on behalf of the petitioner and Mr. Syed Mojibur Rahman, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Gopalpur P.S. Case No. 46 of 2024, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2022, as amended up-to-date.

3. As per the allegation made in the F.I.R., 160.920 litres of Indian Made Foreign Liquor was recovered from a Tiyago car bearing Registration No. WB-38AT-2983. The driver of the vehicle allegedly fled away upon seeing the police party.

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The petitioner is stated to be the registered owner of the said vehicle.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and has been falsely implicated in the present case. He submitted that the petitioner was neither present at the place of occurrence nor was any incriminating article recovered from his conscious possession. The vehicle had allegedly been borrowed by a friend of the petitioner, namely, Chandan Singh, on the pretext of a medical emergency, and the petitioner was unaware of its alleged illegal use. He further submitted that the petitioner has no criminal antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegations made in the F.I.R., the learned District Court is directed to call for a report from the District Transport Officer concerned with respect to the vehicle in question and, if it is found that the same is registered in the name of the petitioner and the said vehicle is not a stolen one, on the basis of its engine number, chassis

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number and registration number, in that case, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from the date of submission of the report by the District Transport Officer, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending, in connection with Gopalpur P.S. Case No. 46 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

7. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

8. Accordingly, the present bail application stands disposed of.

9. The District Magistrate, Bhagalpur, is directed to verify whether the vehicle in question was earlier confiscated in any other excise matter then in that case this order will automatically lose its force.

10. Let a copy of this order be communicated to the District Magistrate, Bhagalpur, and the District Transport

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Officer, Bhagalpur, for taking necessary action within the time prescribed by this Court.

(Purnendu Singh, J)

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