IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74698 of 2026

CNR No. BRHC011081972026

Arising Out of PS. Case No.-235 Year-2025 Thana- GUTHANI District- Siwan

==========

Om Prakash Jaiswal S/O Yamuna Prasad Jaiswal R/o Vill.- Badiya Hardi Lar Road, P.s.- Mail, Dist.- Dewariya, U.P.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, A.P.P.

==========

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 04-11-2026 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and allegation is of recovery of 587.520 litres of liquor from an Ambulance and Yash @ Riyasat Mohammad was apprehended.

4. Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is further submitted that petitioner came to be implicated based on the fact that he is

WEB COPY

owner of the seized Ambulance. It is next submitted that petitioner prior to the occurrence had sold the Ambulance on which learned A.P.P. submits that from perusal of the pleadings made in the anticipatory bail application, it would manifest that though a stand has been taken that Ambulance was sold prior to the occurrence but then the name of the purchaser is not mentioned in the anticipatory bail application. It is also submitted that there is no document on record to even remotely suggest that the Amubalnce was transferred to someone else. It is lastly submitted that the Court is lenient in granting anticipatory bail and regular bail in cases relating to excise but then in the instant case, it appears that it is a ploy of the petitioner to seek anticipatory bail on the ground that he has sold the vehilce to someone but then neither the name of the person to whom he sold the vehicle is disclosed nor any document is on record to suggest that the ownership of the vehilce was transferred.

5. Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Guthani P.S. Case No. 235 of 2025 pending in the Court of learned Exclusive Special Excise Judge-I, Siwan/Successor

WEB COPY

Court.

6. Hence, the prayer for anticipatory bail is rejected.

(Satyavrat Verma, J)

Kundan/-

U		T	

WEB COPY