IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80116 of 2026

CNR No. BRHC011134442026

Arising Out of PS. Case No.-267 Year-2026 Thana- RASULPUR District- Saran

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Shivcharan Sah S/o Munshi Sah R/o Village- Pandey Chapra, P.S- Rasulpur,Distt.- Saran.

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 25-11-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with Rasulpur P.S. Case No. 267 of 2026 registered for the offences under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act.

3. As per the prosecution case, total 36 liters of country-made liquor was recovered from bush, which is said to have been thrown away by the petitioner who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case merely because he has one criminal antecedent of similar nature. It has

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further been submitted that, the recovery has been made from an open space.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail.

6. Considering the aforesaid submission, facts and circumstances of the case, let the petitioner above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Rasulpur P.S. Case No. 267 of 2026 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

(i) One of the bailors of the petitioners shall be their close relative.
(ii) The petitioners shall remain physically present in Court on each date of the trial.
(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.
(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for

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cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for anticipatory bail is allowed.

8. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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