



IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). OF 2026  
(@SPECIAL LEAVE PETITION (CRL.) NO(S). 4578/2026)

UMA SHANKAR PRASAD

APPELLANT

VERSUS

THE STATE OF BIHAR

RESPONDENT

O R D E R

Leave granted.

This appeal challenges the order dated 04.11.2025 passed by the High Court of Judicature at Patna in Criminal Miscellaneous No. 42978 of 2025.

Apprehending arrest in connection with crime registered pursuant to F.I.R No.207 of 2024 lodged with Bhagwanganj Police Station, District Patna in respect of the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022, the appellant preferred an application before the High Court seeking anticipatory bail in terms of Section 482 of the

Bhartiya Nyaya Suraksha Sanhita, 2023 (for short, "BNSS")

Said application for anticipatory bail having been rejected by the High Court *vide* impugned order dated 04.11.2025, the instant appeal has been preferred.

This Court *vide* order dated 10.03.2026 issued notice and granted interim protection from arrest to the appellant.

We have heard learned counsel for the appellant in support of the appeal and learned counsel for the respondent-State.

Learned counsel for the appellant submitted that merely because the appellant is the owner of the motor cycle in which fifteen litres of liquor was recovered, he has been proceeded against though not named in the First Information Report; that the appellant is not involved in the offence alleged against him; that this Court by interim order dated 10.03.2026 granted interim protection to the appellant herein subject to his cooperating with the investigation; that the investigation is also in-conclusive; more importantly, the rider of

the motor vehicle has also not been apprehended or interrogated. In the circumstances, relief of anticipatory bail may be granted to the appellant herein by setting aside the impugned order.

*Per contra*, learned counsel for the respondent-State with reference to the counter-affidavit contended that there is no merit in this appeal and hence, the same may be dismissed.

Considering the circumstances on record, in our view, the appellant is entitled to the relief claimed under Section 482 of the BNS.

We, therefore, allow this appeal and set aside the order passed by the High Court dated 04.11.2025.

We direct that in the event of arrest of the appellant, the Arresting Officer shall release the appellant on bail subject to furnishing cash security in the sum of Rs.25,000/- (Rupees Twenty-Five Thousand only) with two like sureties.

It is directed that the appellant shall extend complete cooperation in the ensuing investigation.

The appellant shall not misuse his liberty

and shall not in any way influence the witnesses or tamper with the material on record.

With the aforesaid directions, the criminal appeal is allowed.

....., J  
(B.V. NAGARATHNA)

....., J  
(UJJAL BHUYAN)

NEW DELHI;  
APRIL 24, 2026.

ITEM NO.4

COURT NO.4

SECTION II-A

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.)  
NO(S).4578/2026

[ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED  
04-11-2025 IN CRM NO. 42978/2025 PASSED BY THE HIGH COURT  
OF JUDICATURE AT PATNA]

UMA SHANKAR PRASAD

PETITIONER(S)

VERSUS

THE STATE OF BIHAR

RESPONDENT(S)

IA NO. 65544/2026 - EXEMPTION FROM FILING C/C OF THE  
IMPUGNED JUDGMENT

IA NO. 65533/2026 - EXEMPTION FROM FILING O.T.

Date : 24-04-2026 This matter was called on for hearing  
today.

CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA  
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) : Mr. Rohit Kumar Singh, AOR  
Mr. Akash Kumar, Adv.  
Mr. Mahender Rathour, Adv.  
Mr. Kuldeep Kumar, Adv.

For Respondent(s) : Mr. Azmat Hayat Amanullah, AOR  
Ms. Vanshita Gupta, Adv.  
Mr. Sagar Chauhan, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

Appeal is allowed in terms of the signed

order, which is placed on file.

Pending application(s), if any, shall stand disposed of.

(B. LAKSHMI MANIKYA VALLI)  
COURT MASTER (SH)

(DIVYA BABBAR)  
COURT MASTER (NSH)