

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7413 of 2025

Arising Out of PS. Case No.-203 Year-2024 Thana- EXCISE MAHUWA District- Vaishali

Raj Tridev @ Raja Ray S/O Anesh Ray Resident of Village- Baksama Chowk,
P.S.- Kathara, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 8210 of 2025

Arising Out of PS. Case No.-203 Year-2024 Thana- EXCISE MAHUWA District- Vaishali

Amar Kumar S/o- Harendra Ray Resident of Village-Baksama Chowk PS-
Kathara, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 7413 of 2025)
For the Petitioner/s : Mr. Bhola Prasad
For the Opposite Party/s : Mr. Akshay Lal Pandit
(In CRIMINAL MISCELLANEOUS No. 8210 of 2025)
For the Petitioner/s : Mr. Bhola Prasad
For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 22-03-2025
1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Mahua Excise Police Station Case No. 203 of 2024, dated 29.12.2024, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.



3. The prosecution case, as per the First Information Report, is that the police, during patrolling, received secret information that the petitioners were unloading illicit liquor near a field attached to the canal of Rasulpur Gangati. When the police, for verification, reached at the place of occurrence, but found no one. Upon search, illicit liquor was recovered by the police team from the pit near dirt-road and from the field near canal, totaling to 302.76 liters.
4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this on the basis of mere suspicion. The petitioners were not present at the place of occurrence, as would be evident from FIR itself. He next submits that illicit liquor has not been recovered from the conscious possession of the petitioners and/or from the premises belonging to them. Rather, illicit liquor has been recovered from the pit near dirt-road and from field near canal, which is an open space accessible to all and sundry.
5. Regards being had to the submission made by the parties and taking into consideration the fact that the names of the petitioners have transpired on the basis of secret



information and illicit liquor has not been recovered from the conscious possession of the petitioners, rather, the same has been recovered from an open space accessible to all and sundry, I am inclined to grant the petitioners privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Prohibition and Excise Court II -cum- District and Additional Sessions Judge, Vaishali at Hajipur, in connection with Mahua Excise Police Station Case No. 203 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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