

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15159 of 2025

Arising Out of PS. Case No.-261 Year-2024 Thana- Excise P.S. District- Samastipur

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1. Sorindra Ram @ Surendra Ram S/O Ramsobhit Ram R/O Village- Raghunathpur Kishanpur, P.S- Warisnagar, District- Samastipur,Bihar, Pin- 848301
 2. Lalo Paswan S/O Rameshwar Paswan R/O Village- Raghunathpur Kishanpur, P.S- Warisnagar, District- Samastipur,Bihar, Pin- 848301

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niraj Lochan Jha
For the Opposite Party/s : Mr. Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 09-04-2025 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 Samastipur Sadar Excise Police Station Case No. 261 of 2024, dated 06.10.2024, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).
3. The prosecution case, as per the First Information Report, is that on 05.10.2024, the police, on secret information that the petitioner no. 2 has kept illicit liquor in the banana orchard situated near the hut of petitioner no. 1, proceeded toward the place of occurrence and recovered



335.430 liters of illicit liquor from the banana orchard situated near the hut of petitioner no. 1.

4. Learned counsel for the petitioners submits that the petitioner no. 2 has been made accused in this case on the basis of secret information. He next submits that illicit liquor has not been recovered from the conscious possession of the petitioner no. 1 and/or from the premises belonging to him. Rather, illicit liquor has been recovered from the banana orchard situated near the hut of the petitioner no. 1 and not from inside the premises of the petitioner no. 1. He further submits that it is not alleged in the First Information Report and/or in the seizure list that the banana orchard belongs to the petitioner no. 1.
5. Regards being had to the submission made by the parties and taking into consideration the fact that illicit liquor has not been recovered from the conscious possession and/or premises belonging to the petitioners, rather, the same has been recovered from 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 Special Judge Excise Court No. II, Samastipur, in connection with Samastipur Sadar Excise Police Station Case No. 261 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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