

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30515 of 2025

Arising Out of PS. Case No.-161 Year-2025 Thana- SONEPUR District- Saran

1. Baban Ray S/o- Ramgati Ray Resident of Village- Rahimpur PS- Sonepur District- Saran
2. Sonu Ray S/o- Baban Ray Resident of Village- Rahimpur PS- Sonepur District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 15-05-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending arrest in connection with Sonepur P.S. Case No. 161 of 2025, dated 23.02.2025, lodged under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022, pending before the Court of 2nd Exclusive Special Excise Judge, Saran at Chapra.

3. As per the prosecution, total recovery of 225 litres of illicit country made liquor has been made, which is the subject matter of the present case.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have committed no offence. It is further submitted that nothing has been recovered from the conscious possession of the petitioners, and they have been unnecessarily made accused in the present case. Counsel further submits that the petitioners do not have clean antecedents, as one criminal case is pending against them. Counsel also submits that the petitioners are ready and willing to comply with any conditions whatsoever that may be imposed upon them.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that the petitioners do not have clean criminal antecedents, and the pending case also pertains to the Excise Act.

6. In the present facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners is hereby **rejected**.

7. It is directed to the petitioners to surrender before the Trial Court within a period of 6 weeks from today. In case, the petitioners surrender within six weeks, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the petitioners has been rejected by this Court and the



Trial Court shall pass order on the merit of this case, considering whether the ingredients of the Bihar Prohibition and Excise (Amendment) Act is made out against the petitioner or not.

(Dr. Anshuman, J.)

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