

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32462 of 2025

Arising Out of PS. Case No.-525 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

Sharma Ray @ Sikendar Ray @ Sikendra Ray S/o Anarsi Ray Village- Sadha
PS- Chapra Muffasil District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash

For the Opposite Party/s : Mrs. Asha Devi

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Chapra Muffasil P.S. Case No. 525/2020 registered for the offences punishable under Sections 30(a), 36, 41 (i) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 275 litre country made liquor, 240 kg. Molasses, 100 kg. sugar from the Chaur situated at village-Ghose Colony Sada. It is alleged that there is alleged recovery of 150 litre country made liquor, 120 kg. Molasses, 50 kg. Sugar and three aluminum drums from the pond situated at village Umanagar Chaur. It is further alleged that local Chaukidar disclosed the name of the petitioner and others who are said to have involved in manufacturing and selling illicit country made liquor.



4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. The petitioner bears five criminal antecedents in which he is on bail in four cases. Name of petitioner has been transpired in this case on the basis of disclosure of local Chaukidar. Except disclosure, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioner was not found at the place of occurrence. No incriminating article has been recovered from the possession of the petitioner or his house. The petitioner has no concern with the seized liquor. The place of recovery is open place which is accessible to all and the petitioner cannot be held liable for the same. He further submits that the petitioner is not in any way connected with the alleged occurrence. He orally submits that petitioner is roped in cases one after another in a routine manner without any basis. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition of Excise Act. He orally submits that the petitioner will not abscond rather will cooperate in the investigation to prove his innocence. He further submits that on similar and identical allegation, co-accused Khokha Mahto @ Khokha @ Birendra Mahto has



already been granted anticipatory bail by the co-ordinate Bench of this Court vide Cr. Misc. No.34210/2024.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, on similar and identical allegation co-accused has already been granted anticipatory bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of learned 1st Exclusive Special Excise Court, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 525/2020, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

7. The application stands allowed.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court are not co-operating in the investigation, in that event, the learned trial court shall be at liberty



to cancel the bail bonds of the petitioner.

(Alok Kumar Pandey, J)

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