

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43311 of 2025

Arising Out of PS. Case No.-35 Year-2025 Thana- Patauna District- Madhubani

1. Surendra Ray S/O Late Nifikir Ray R/O Village- Murliya Chak, Main Tol, P.S.- Patauna, Distt. Madhubani
2. Sushila Devi W/O Surendra Ray R/O Village- Murliya Chak, Main Tol, P.S.- Patauna, Distt. Madhubani
3. Payal Ray @ Payal Kumari D/O Surendra Ray R/O Village- Murliya Chak, Main Tol, P.S.- Patauna, Distt. Madhubani

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratnakar Jha
For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Patauna P.S. Case No. 35 of 2025 registered for the offences punishable under Sections 274, 275, 3(5) of Bhartiya Nyay Sanhita and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, informant got secret information that petitioner alongwith his wife and daughter were selling illicit liquor by keeping the said liquor in kiosk(*gumti*) which is located in the front of the house of the petitioner.



Thereafter, informant alongwith police officials reached at the spot. On seeing the police, petitioners managed to flee away from the place of occurrence. Thereafter, 4.5 litre Dilwale Saufi Nepali country made liquor was recovered from the spot.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. He further submits that place of recovery is an open place which is accessible to all and the said place is not in exclusive possession of the petitioners. Hence, petitioners cannot be held liable for the said recovery. There is no compliance of mandatory provisions of Section 103 of BNSS. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. Petitioner no. 1 bears criminal antecedent of two cases and petitioner nos. 2 and 3 bear no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the



petitioners above-named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (Excise Court), Madhubani in connection with Patauna P.S. Case No. 35 of 2025, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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