

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44315 of 2025

Arising Out of PS. Case No.-191 Year-2022 Thana- CHIRAIYA District- East Champaran

1. Santosh Kumar @ Santosh Rai S/O Shree Rai R/O Village- Akauna, PS- Muffasil, District- East Champaran, Motihari
2. Srikanti Devi W/O Santosh Kumar @ Santosh Rai R/O Village- Akauna, PS- Muffasil, District- East Champaran, Motihari
3. Aklu Sahani S/O Umed Sahani R/O Village- Akauna, PS- Muffasil, District- East Champaran, Motihari
4. Radhika Devi W/O Aklu Sahani R/O Village- Akauna, PS- Muffasil, District- East Champaran, Motihari
5. Ajay Kumar S/O Shendu Mukhiya R/O Village- Hasuyaha, PS- Muffasil, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Sumit Kumar Gupta, Advocate
For the State	:	Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 14-07-2025 Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. appearing on behalf of the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 30(b), 32 and 41(1) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 1200 litres semi-prepared illicit liquor was recovered from bank of river *Sikarhana*.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and have committed no offence. No incriminating article has been



recovered from conscious possession of these petitioners and they have falsely been implicated in this case merely on suspicion. The alleged illicit liquor has been recovered from an open place, which is accessible to one and all. Petitioner No. 3 has got two criminal antecedents of similar nature and Petitioner Nos. 1, 2, 4 and 5 have got one criminal antecedent each of similar nature.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the nature of accusation and fact that Petitioner No. 3 has got two criminal antecedent of similar nature, the prayer for grant of anticipatory bail to Petitioner No. 3 is rejected.

7. So far as Petitioner Nos. 1, 2, 4 and 5 are concerned, considering the nature of accusation and the fact that no incriminating article has been recovered from conscious possession of these petitioners, the prayer for grant of anticipatory bail to Petitioner Nos. 1, 2, 4 and 5 is allowed.

8. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named Petitioner Nos. 1, 2, 4 and 5 be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties



of the like amount each to the satisfaction of learned Special Judge Excise Court No. 1, East Champaran, Motihari in connection with Chiraiya P.S. Case No. 191 of 2022, subject to condition as laid down under Section 482(2) of the B.N.S.S..

9. With the aforesaid directions, this application stands disposed of.

(Prabhat Kumar Singh, J)

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