

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57412 of 2025

Arising Out of PS. Case No.-112 Year-2025 Thana- BENIPATTI District- Madhubani

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1. Barun Ray @ Varun Ray S/o Murli Ray R/o Village - Uchchaith Durgasthan, P.S - Benipatti, District - Madhubani
 2. Arun Ray S/o Murli Ray R/o Village - Uchchaith Durgasthan, P.S - Benipatti, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 15-09-2025 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Benipatti P.S. Case No. 112 of 2025, arising out of G.R. Case No. 610 of 2025 registered under Sections 338, 336(3), 336(4), 319(2), 318(4) of the Bharatiya Nyaya Sanhita and Sections 30(a) and 36 of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on the basis of secret information, police conducted raid in presence of two independent witnesses at the house of these petitioners, who are own brothers, and on search, 5.625 litres of illicit liquor, large



quantity of empty bottles of liquor, caps, labels, stickers etc. were recovered from the house of these petitioners. After seeing the police party, petitioners were managed to flee away from the spot.

4. Learned counsel for the petitioner submits that petitioners are innocent and have falsely been implicated in this case due to ulterior motive. Further submission is that the house in question, from where the alleged recovery has been made, is a joint family property. Petitioners were not present on the spot and they have no concern with the seized incriminating materials. Nothing has been recovered from the conscious possession of the petitioners. Petitioners have no criminal antecedent and they undertake to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail and submits that 5.625 litres of illicit liquor, huge quantity of empty bottles and other materials have been recovered from the house of these petitioners which shows that they are involved in illegal business of illicit liquor. He further submits that in view of Full Bench decision of this Court rendered in the case of **Ram Vinay Yadav vs. The State of Bihar** reported in **2019(2) P.L.J.R. 1089 (F.B.)**, *prima facie*



case is made out against the petitioners, therefore, the anticipatory bail is not maintainable.

6. Considering the facts and circumstances of the case, submissions of learned counsel for the parties and huge recovery of incriminating materials from the petitioners’ house, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, their prayer for anticipatory bail is, hereby, rejected.

(Sunil Dutta Mishra, J)

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