

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84294 of 2025

Arising Out of PS. Case No.-407 Year-2025 Thana- EXCISE MANJHAUL District-
Begusarai

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1. Gulshan Kumar @ Gulsan Kumar Son of Ashok Singh Resident of Village -Sikenderpur Rajaura (Sikandarpur, Rajaura), Ward No 7 PS -Muffasil District- Begusarai
 2. Vikash Kumar son of Shri Ranjan Rai @ Ranjan Rai Resident of Village -Sikenderpur Rajaura (Sikandarpur, Rajaura), Ward No 7 PS -Muffasil District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 17-12-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Manjhaul Excise P.S. Case No. 407 of 2025, F.I.R dated 04.10.2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, on 04.10.2025, one Baiju Kumar, ASI posted at Excise Police Station, Begusarai, allegedly received secret information at about 4:00 p.m. that the petitioners, namely Gulshan Kumar and Vikash Kumar, were involved in the business of sale and purchase of illegal foreign liquor near a bajra (millet) agricultural field at village



Sikandarpur Dih, Rajaura. Acting upon the said information and after informing his superior officer, the informant proceeded to conduct a raid. It is further alleged that upon arrival at the place of occurrence, the informant noticed two persons fleeing from the said agricultural field, who allegedly managed to escape. No local independent witnesses were available for search and seizure. Thereafter, in the presence of police personnel, a search was conducted, during which a total of 14.625 litres of illegal foreign liquor was allegedly seized from the said field. A seizure list was prepared and signed by police witnesses. It is further alleged that local co-villagers and a spy disclosed that the petitioners were indulging in illegal liquor business from the said place, leading to institution of the present case.

4. Learned counsel for the petitioner submits that the name of both the petitioners have transpired in the instant case on the basis of statement made by the local villagers and the spy are said to have seen these petitioners fleeing away from the place of recovery, which is said to be made from *bajra*(millet) agricultural field, which is an open place and accessible for general public. It has next been submitted that petitioners have clean antecedents, these petitioners are a man of means and is ready to abide by terms and conditions of anticipatory bail in case such privilege is extended in thier favour.

5. Learned APP for the State opposes the prayer for



anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession and / or premises belonging to the petitioners and considering the aforesaid fact both the petitioners are clean antecedents and they were no way connected with the said recovery made from the open place, accordingly, this Court is inclined to grant anticipatory bail to both the petitioners.

7. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-II, Begusarai in connection with Manjhaul Excise P.S. Case No. 407 of 2025 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

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