

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84191 of 2025

Arising Out of PS. Case No.-111 Year-2025 Thana- BHAGWAN BAZAR District- Saran

Pappu Rai S/O Deo rai R/O Brahmpur, P.S.- Bhagwan Bazar, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

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

2. The petitioner is apprehending his arrest in connection with Bhagwan Bazar P.S. Case No. 111 of 2025, F.I.R dated 03.03.2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2016.

3. As per the prosecution case, on 03.03.2025, the informant submitted a written application to the S.H.O. of Bhagwan Bazar Police Station stating that while near Gudri Bazar, he received secret information about a large quantity of country-made liquor stored near a house at Chhota Brahmpur (Basti Sipahi Rai). Acting on this information, the police reached the spot, where four persons fled on seeing the police



and escaped in the darkness. On the basis of information from a spy, the fleeing persons were identified as Arun Rai, Arjun Rai, Sipahi Rai, and Pappu Rai. It was further submitted that despite repeated directions to the learned Special P.P., the case diary has not been produced, and therefore a prayer was made to dispose of the bail petition in the absence of the case diary.

4. Learned counsel for the petitioner submits that the place of recovery is from behind the house of Sipahi Ray in Chhota Brahampur, which is an open space and accessible to general public. The petitioner is in no way connected to the said petitioner and his name has transpired on the basis of information given by local villagers that this petitioner was seen running away from the place of occurrence. However, there is nothing incriminating to connect this petitioner with the alleged offence and because of having three criminal antecedent, he has falsely been implicated in the present case, while in all those cases, he is on bail. It has next been submitted that similarly situated co-accused person has been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court vide order dated 19.08.2025 passed in Cr. Misc. No.53690 of 2025.

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 petitioner and similarly situated co-accused person has been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, 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 Additional Session Judge-cum-Exclusive Special Excise Court No.1, Saran at Chapra, in connection with Bhagwan Bazar P.S. Case No. 111 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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