

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85898 of 2025

Arising Out of PS. Case No.-150 Year-2025 Thana- Salmari District- Katihar

Bokai Singh Son of Late Jitu Singh Resident of Village - Chhoghariya Ward
No.- 01, P.S.- Salmari, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 18-12-2025 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Salmari Police Station Case No. 150 of 2025, dated 02.11.2025, disclosing offences under Sections 30(a) of the Bihar Prohibition and Excise Act.
3. That the prosecution case, as per First Information Report, is that on 02.11.2025, the informant, while on patrolling and vehicle checking, received secret information that a person of village Chhoghariya has kept illicit liquor in his house. Upon such information, the police party reached at the place of occurrence. Upon seeing the police vehicle the accused persons succeeded in fleeing away. On inquiry, the villagers disclosed his



name as Bokai Singh i.e. the petitioner. A search was conducted, whereby, totaling 27.6 litres of illicit liquor, was recovered.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on mere suspicion and on the basis of secret information. He next submits that the petitioner was not present at the place of occurrence and neither illicit liquor nor any incriminating articles has been recovered from conscious possession of the petitioner. He further submits that illicit liquor was seized from the villagers and not from the petitioner.
5. After having heard learned counsel for the parties and taking into consideration the fact that the police has recovered 27.6 liters of illicit liquor and from seizure list it is apparent that illicit liquor has been recovered from the house of the petitioner as such *prima facie* offence under the Bihar Prohibition and Excise Act, 2016 is made out and the Hon'ble Full Bench of this Court has held that anticipatory bail in such cases is not maintainable. Accordingly, in view of the law laid down by the Full Bench in **Criminal Appeal (SJ) No. 431 of 2019**, I am



not inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, rejected.
7. However, if the petitioner surrenders before the concerned court and seeks regular bail, the same may be considered by the learned District and Additional Sessions Judge, Exclusive Special Excise Court II, Katihar, on the same date, without being prejudiced to the fact that the anticipatory bail of the petitioner has been rejected.

(Anil Kumar Sinha, J)

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