

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87754 of 2025

Arising Out of PS. Case No.-309 Year-2025 Thana- RIVILGANJ District- Saran

Santosh Rai son of Doma Rai Resident of village- Jan Tola P.S.- Revelganj /
Revilganj / Rivilganj, District.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 19-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Revelganj / Revilganj/ Rivilganj P.S. Case No.309 of 2025, F.I.R dated 06.10.2025 registered for the offences punishable under Sections 30(a), 32(1), 32(3), 41(1) and 41(2) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, on 06.10.2025 at about 2:30 PM, ASI Rakesh Kumar of Rivilganj Police Station, Saran (Chapra) went on evening patrolling with other police personnel. During patrolling at Jalalpur, he received information from Lakshuman Ram (ALTF team officer) that Rajendra Rai and Santosh Rai were selling illicit liquor near their houses.



After informing senior officers, the police reached Jan Tola near their houses. On seeing the police, both accused fled away. Some local people gathered, but no one agreed to be an independent witness. On search, the police recovered 10.980 litres of illicit liquor from near Rajendra Rai's house and 6 litres from near Santosh Rai's house, making a total recovery of 16.980 litres.

4. Learned counsel for the petitioner submits that the recovery is said to have been made from beside the house of Rajendra Rai, which is an open space and is accessible to all. The name of the petitioner has transpired on the basis of secret information provided by the ALTF. The petitioner was neither present at the place of occurrence nor was anything recovered from his constructive possession and he has clean antecedent.

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 the recovery is said to have been made from beside the house of Rajendra Rai, which is an open space and is accessible to all and the petitioner has



clean antecedent, 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 Special Judge Exclusive Excise II, Saran at Chapra, in connection with Revelganj / Revilganj/ Rivilganj P.S. Case No.309 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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