

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8913 of 2026

Arising Out of PS. Case No.-76 Year-2025 Thana- MALSALAMI District- Patna

Jai Rai @ Jai Narayan Rai Son of Late Ganga Rai R/o Kila Road, P.S. -
Chowk, Dist. - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prince Khatri, Advocate

For the Opposite Party/s : Mrs.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Malsalami P.S. Case No. 76 of 2025, registered for the offence punishable under Sections 37/30(a) of Bihar Prohibition and Excise Act, 2022.

3. As per prosecution-case, 30 litre Mahua liquor was recovered from the E-rickshaw and the driver was also apprehended in intoxicated condition.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the F.I.R. He further submits that E-rickshaw in question was driven by co-accused Shyam Babu and petitioner's vehicle has been misused by the driver and illicit liquor was



allegedly recovered from the vehicle for which petitioner cannot be held liable. Petitioner has nothing to do with the alleged occurrence. Petitioner was neither found at the place of occurrence nor anything incriminating has been recovered from the conscious possession of the petitioner and he is not, in any way, connected with the illicit recovery, as is evident from paragraph 7 of the bail petition. In the light of aforesaid facts and circumstances, no offence is made out against the petitioner. Apart from that, petitioner has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that petitioner, being the owner of the vehicle in question, cannot escape from the allegations made in the F.I.R.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner, petitioner was not found at the place of occurrence, there is no recovery from the conscious possession of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail 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 Excise, Patna City in connection with Malsalami P.S. Case No. 76 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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