

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 9279 of 2026

Arising Out of PS. Case No.-506 Year-2025 Thana- MALSALAMI District- Patna

Kanchan Rai S/O Jai Rai @ Jai Narayan Rai R/O - Pathar Ghat, P.S-
Malsalami, 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 SHAILENDRA SINGH
ORAL ORDER

2 17-02-2026 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in connection with Malsalami P.S. Case No. 506 of 2025 dated 28.09.2025 registered for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise Act (in short 'Excise Act').

3. The main submissions advanced by the petitioner's counsel are that the recovery of the alleged wine is stated to have been made from a place, namely Patharghat Gabra, not belonging to the petitioner, and the name of the petitioner came to light when the assembled crowd disclosed his name as being involved in storing the alleged wine at the said place. The same forms the basis of implicating the petitioner in connection with the recovery of the alleged wine. However, in the entire FIR, the police did not disclose the name of any person who was part of



the said crowd, therefore, the source of identification of the petitioner mentioned in the FIR is completely vague and not admissible in evidence. Hence, the alleged offence under the Excise Act, under which the FIR has been registered, does not attract even *prima facie* against the petitioner, and his prayer is not hit by the provisions of Section 76(2) of the Excise Act. Further, the petitioner's past is completely clean and he bears no criminal antecedent.

4. Though learned APP for the State has opposed the prayer for bail of the petitioner but he fairly accepts that in the entire FIR, the name of any person who was part of the crowd has not been disclosed and, in this regard, the source of identification of the petitioner is vague.

5. In the facts and circumstances of this case as well as considering the submissions as stated above, coupled with the pleas of the petitioner, this Court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in



connection with Malsalami P.S. Case No. 506 of 2025 , subject
to the conditions as laid down under Section 482(2) of the
B.N.S.S.

(Shailendra Singh, J)

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