

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8775 of 2026**

Arising Out of PS. Case No.-256 Year-2018 Thana- ALAMGANJ District- Patna

1. Raushan Kumar S/O Harendra Rai R/O Village- Terasiya, P.S- Ganga Bridge, District - Hajipur.
2. Chandan Kumar S/O Upindar Ray @ Opendar Rai R/O Village- Terasiya, P.S- Ganga Bridge, District - Hajipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                      |   |                               |
|----------------------|---|-------------------------------|
| For the Petitioner/s | : | Mr. Hemant Kumar, Adv.        |
| For the State        | : | Mr. Kumar Ranjit Ranjan, APP. |

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

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

2. The petitioners are apprehending their arrest in connection with Alamganj P.S. Case No. 256 of 2018 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, there is alleged recovery of 10 litre Mahua liquor from motorcycle in question and apprehended co-accused Pappu Kumar disclosed that petitioners and co-accused Ramesh Kumar had given the said liquor to him.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as



alleged in the FIR. He further submits that except disclosure of apprehended co-accused Pappu Kumar, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioners are not owner of the motorcycle in question. Petitioners bear no criminal antecedent. He further submits that nothing has been recovered from conscious possession of the petitioners. Petitioners were not found at the place of occurrence. Petitioners have no concern with the seized liquor. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioners under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that petitioners are named in the FIR and hence, they cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, petitioners were not found at the place of occurrence, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court of Excise, Patna City in connection with Alamganj P.S. Case No. 256 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

**(Alok Kumar Pandey, J)**

shahzad/-

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