

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8904 of 2026

Arising Out of PS. Case No.-565 Year-2025 Thana- KHAJEKALA District- Patna

Nakeshar Ray @ Nageshwar Ray S/O Late Vasu Ray R/O Vill - Bakhtiyarpur
Naya Tola Raghavpur, P.s. - Bakhtiyarpur, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Rai, Advocate

For the Opposite Party/s : Mr.Nand Kumar, 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 Khajekalan P.S. Case No. 565 of 2025, registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution-case, 462 litre country-made illicit liquor was recovered from the street behind the tempo and name of the petitioner has come to fore on the basis of secret information as two persons Santosh @ Sanichara and Nirdosh Kumar have brought consignment of illicit liquor in the street behind a temple at Mittan Ghat.

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 the place of recovery is an open place and petitioner cannot be held liable for the alleged recovery. Petitioner is having one criminal antecedent in which he is on bail. Petitioner is not, in any way, connected with the alleged place of recovery and consignment of the illicit liquor and it has not been divulged in the F.I.R. as to who has disclosed the name of the petitioner, which questions the authenticity of the F.I.R. In the light of aforesaid facts and circumstances, no offence is made out against the petitioner.

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

6. Considering the facts and circumstances of the case, petitioner was 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 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, District-Patna in connection with Khajekalan P.S.
Case No. 565 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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