

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9374 of 2026

Arising Out of PS. Case No.-258 Year-2020 Thana- DUMRA District- Sitamarhi

=====

Lalan Rai Son of Bhola Rai R/o Village - Madhuban Basaha @ Raghubir
Nagar, Madhuban Basah, P.S. - Bajpatti, Dist. - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Dumra P.S. Case No. 258 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, at present pending in the court of learned Exclusive Special Excise Court No.-01, Sitamarhi.

3. As per prosecution case, 9.135 litre illicit foreign liquor was recovered from the motorcycle in question and co-accused Md. Hashim was apprehended on the spot, who disclosed the name of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the FIR and he has falsely been implicated in this case due to village politics. He further submits that petitioner is not named in FIR and the alleged recovery has been made from the possession of co-accused Md. Hashim. He further submits that petitioner was not found at the place of occurrence and nothing has been recovered from the conscious possession of the petitioner. It is submitted that the motorcycle was borrowed by co-accused Md. Hashim for personal work and the same has been misused and the petitioner has no knowledge about the said recovery. In the light of the aforesaid facts and circumstances of the case, petitioner cannot be held liable for the same and no offence is made out as alleged in the FIR against the petitioner. Apart from that petitioner having no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that the alleged recovery of liquor has been made from the motorcycle in question of which the petitioner is the registered owner and hence, he cannot escape from the allegation made in the F.I.R.

6. Considering the facts and circumstances of the case, petitioner was not found at the place of occurrence, keeping in view clean antecedent of 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 Exclusive Special Excise Court No.-01, Sitamarhi in connection with Dumra P.S. Case No. 258 of 2020, subject to the conditions as laid down under Section 482(2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

Nilmani/-

U		T	
---	--	---	--

