

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9317 of 2026

Arising Out of PS. Case No.-271 Year-2025 Thana- KAMTAUL District- Darbhanga

1. Rajnish Ranjan Prasad @ Ranjan Yadav Son of Late Akhilesh Yadav Resident of Village - Madhopatti, Police Station - Kamtaul, District - Darbhanga.
2. Bikash Kumar Gope @ Bikash Yadav Son of Chandeshwar Yadav Resident of Village - Madhopatti, Police Station - Kamtaul, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2. The petitioners are apprehending their arrest in connection with Kamtaul P.S. Case No. 271/2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, on the basis of secret information total 414.720 liters foreign liquor was recovered from the orchard, out of which 17.280 liters were from the Scooty in question. The petitioners and others fled away from the place of occurrence.

4. Learned counsel for the petitioners submits that



petitioners are innocent and have committed no offence as alleged in the FIR. Name of the petitioner has been transpired in this case on the basis of secret information and the source of secret information has not been divulged in the FIR, which questions the authenticity of the FIR and the petitioners cannot be held liable for the alleged recovery. He further submits that place of recovery is open place which is accessible to all and the petitioners cannot be held liable for the alleged recovery. The petitioner no.1 bears no criminal antecedent and petitioner no.2 bears one criminal antecedent in which he is on bail. He orally submits that the petitioners were not apprehended on the spot. No incriminating article has been recovered from the possession of the petitioners. The petitioners have no concern with the seized liquor. The petitioners are neither the owners of the said orchard nor of the Scooty in question. The petitioners are not in any way connected with the alleged occurrence. Seizure list has not been prepared as per law. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioners under the provision of Bihar Prohibition of Excise Act.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners and submits that



the petitioners are FIR named accused persons and hence, they cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, petitioners are neither the owners of the said orchard nor of the Scooty in question, 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 bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court of learned Special Judge-I Excise Act), Darbhanga in connection with Kamtaul P.S. Case No. 271/2025, 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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