

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8868 of 2026

Arising Out of PS. Case No.-3 Year-2026 Thana- PATLIPUTRA District- Patna

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Raju Prakash Son of Binay Kumar R/O - Sidharth Hotel, East Boring Canal
Road, P.S. - Budha Colony, Distt. - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd Singh, Advocate

For the Opposite Party/s : Mr.Veena Kumari Jaiswal, A.P.P.

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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 Patliputra P.S. Case No. 03 of 2026 registered for the offences punishable under Sections 30(a) and 37 of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 3.750 litre illicit liquor was recovered from the motorcycle in question and co-accused Ajit Rajak was apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is not named in FIR. During the course of investigation, the name of the petitioner has been transpired in this case as the owner of the motorcycle in question. He further submits that petitioner is innocent and has committed no offence



as alleged in the FIR and he has falsely been implicated in this case. Petitioner was not found at the place of occurrence and he was not in any way connected with the alleged recovery. He further submits that the motorcycle was parked by the roadside, and there was every possibility that at the instance of enemy the alleged illicit liquor might be placed in the handle of the motorcycle in order to falsely implicate the petitioner. Petitioner is not in any way connected with the alleged recovery. No incriminating article has been recovered from the conscious possession of the petitioner. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that petitioner is owner of the motorcycle in question from which 3.750 litre illicit liquor has been recovered and hence, petitioner cannot escape from the allegation made in FIR.

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 Special Judge Bihar Prohibition and Excise – Ist, Patna in connection with Patliputra P.S. Case No. 03 of 2026, subject to the conditions as laid down under Section 482 (2)of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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