

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8823 of 2026

Arising Out of PS. Case No.-296 Year-2025 Thana- SRINAGAR District- West Champaran

1. Sandeep Patel @ Sandeep Kumar S/o Prem Patel R/o Vill- Dumariya, Ward no 07, P.S.- Bairiya, Distt.- West Champaran
2. Mukesh Patel @ Mukesh Kumar S/o Radhe Shyam Patel R/o Vill- Dumariya, Ward no 07, P.S.- Bairiya, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam A.P.P.

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 Srinagar P.S. Case No. 296 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 18 litre foreign liquor was recovered from the bank of Koiripati Dam. Local chaukidar disclosed the name of petitioners who 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 and they have falsely been implicated in this case due to high handedness of the police at the instance of local chaukidar. He further submits that the place of recovery is an open place which is accessible to all and hence, petitioner cannot be held liable for the alleged recovery. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioners with the alleged occurrence. Petitioners were not found at the place of occurrence. Seizure list has not been made as per law. Petitioners have nothing to do with the alleged occurrence. 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. Petitioners bear no criminal antecedent.

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

6. Considering the facts and circumstances of the case, petitioners were not found at the place of occurrence, keeping in view clean antecedent of petitioners, 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 Exclusve Special Judge Excise Court-II, Bettiah, West Champaran in connection with Srinagar P.S. Case No. 296 of 2025, 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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