

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8782 of 2026

Arising Out of PS. Case No.-322 Year-2025 Thana- RAGHOPUR District- Vaishali

=====

Tuntun Ray @ Tuntun Rai Son of Late Mahtab Rai @ Matab Rai R/o Village
- Sukumarpur, Jafrabad Tok Arzi Veshnao Barar, P.S. - Raghopur(Rustampur
O.P.), District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

=====

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 Raghopur P.S. Case No. 322 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 and Sections 274, 275, 317(5) of the B.N.S., 2023.

3. As per prosecution case, 120 litre country made chulai liquor was recovered from the motorcycle in question. Apprehended co-accused Chhotu Kumar disclosed the name of the petitioner who fled away from the place of occurrence.

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



in the FIR. He further submits that except disclosure of apprehended co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that petitioner is not the owner of the said motorcycle in question. Petitioner was not found at the place of occurrence. Seizure list has not been made as per law. 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 criminal antecedent of three cases in which he is on bail. He further submits that just because of having criminal antecedent, petitioner has been roped in one case after another in a routine manner without any basis.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that petitioner is FIR named accused and hence, he 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, 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 Court of Excise (Second) – cum - District and Additional Session Judge, Vaishali at Hajipur in connection with Raghapur P.S. Case No. 322 of 2025, subject to the conditions as laid down under Section 482 (2)of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

alok/-

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

