

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9365 of 2026

Arising Out of PS. Case No.-767 Year-2025 Thana- CHAPRA TOWN District- Saran

1. Ranjeet Ray @ Nariyal S/o Bali Ray R/o Mohalla - Rupganj, P.S - Saran Town, District - Saran
2. Abhinay Kumar @ Nariyal S/o Parshuram Chaudhary R/o Mohalla - Rupganj, P.S - Saran Town, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Harshvardhan, Advocate

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

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 Chapra Town P.S. Case No. 767 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, 30 litre country made chulai liquor was recovered from plastic sac and nearby people disclosed the name of the petitioners who fled away from the place of occurrence.

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



alleged in the FIR. From perusal of the F.I.R., it appears that source of information is nearby people but the specific names of nearby people have not been mentioned in the FIR, which questions the authenticity of the FIR. Except disclosure of nearby people, there is nothing on record to demonstrate the complicity of the petitioners with the alleged occurrence. He further submits that place of recovery is an open place which is accessible to all and hence, petitioners cannot be held liable for the alleged recovery. Seizure list has not been made as per law. Petitioners were not found at the place of occurrence. The petitioners have nothing to do with the alleged recovery. No incriminating article has been recovered from the conscious possession of the petitioners. 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 criminal antecedent of two cases each and learned counsel orally submits that petitioners are on bail on the said cases.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners and submits 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, 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 Additional Sessions Judge -cum – Exclusive Special Court, Excise Act – 1, Saran at Chapra in connection with Chapra Town P.S. Case No. 767 of 2025, subject to the conditions as laid down under Section Section 482 (2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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