

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9455 of 2026

Arising Out of PS. Case No.-883 Year-2025 Thana- GAURICHAK District- Patna

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1. Deva Rai S/o Jangli Rai @ Late Jangli Rai R/o Village - Jamanpur, P.S - Pachrukhiya (Gaurichak), District - Patna
 2. Mithun Ray S/o Deva Rai R/o Village - Jamanpur, P.S - Pachrukhiya (Gaurichak), District - Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd., 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 Gaurichak (Pachrukhiya) P.S. Case No. 883 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 50 litre country made illicit liquor was recovered from plastic gallon behind Shiv Mandir at village Jaganpura and the nearby people 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. 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 F.I.R., which questions the authenticity of F.I.R. Except disclosure of nearby people, there is nothing on record to demonstrate the complicity of the petitioners in the alleged occurrence. He further submits that petitioners were not found at the place of occurrence and nothing has been recovered from the conscious possession of the petitioners. It is submitted that the alleged recovery has been made from an open place and no one was apprehended on the spot. He further submits that the place of recovery is an open place and the same is accessible to all and the petitioner cannot be held liable for the alleged recovery. 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 petitioners under the provisions of Bihar Prohibition and Excise Act. Apart from that petitioners bear clean antecedent.

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



the petitioners are F.I.R. named accused hence, they cannot escape from the allegation made in the F.I.R.

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 Special Judge Excise, Patna City in connection with Gaurichak (Pachrukhiya) P.S. Case No. 883 of 2025, subject to the conditions as laid down under Section 482(2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

Nilmani/-

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