

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9450 of 2026**

Arising Out of PS. Case No.-549 Year-2025 Thana- KESARIA District- East Champaran

1. Guddu Kumar S/o Nawab Rai R/o Village - Kadhan, Ward No. 09, P.S - Kesariya, District - East Champaran
2. Sanjay Rai S/o Ramagya Rai R/o Village - Kadhan, Ward No. 09, P.S - Kesariya, District - East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      20-02-2026                      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Kesariya P.S. Case No. 549 of 2025 registered for the offences punishable under Sections 274, 275 of BNS and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, on the basis of secret information, police reached near the house of Sanjay Rai/ petitioner no. 2 and seeing the police team, two persons managed to escape. Local chowkidar and villagers disclosed the name of petitioners, who fled away from the spot. It is alleged that 110 litre country made liquor was recovered from two sacks



near the bank of river situated behind the house of Sanjay Rai/  
petitioner no. 2.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR. He further submits that nothing has been recovered from conscious possession of the petitioners. Petitioners were not found at the place of occurrence. Petitioners have no concern with the seized liquor. He further submits that place of recovery is an open place and same is accessible to all and hence, petitioners cannot be held responsible for the alleged recovery. He further submits that petitioners bear criminal antecedent of two cases each in which they have been granted bail, as orally submitted by the learned counsel for the petitioners. He further submits that just because of criminal antecedent of the petitioners, they have been falsely implicated in this case on the basis of suspicion. 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.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that petitioners are named in the FIR and hence, they cannot escape



from the allegation made in the 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 Exclusive Special Excise Court No. 3, East Champaran at Motihari in connection with Kesariya P.S. Case No. 549 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. The application stands allowed.

**(Alok Kumar Pandey, J)**

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