

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10956 of 2026

Arising Out of PS. Case No.-211 Year-2025 Thana- KORHA District- Katihar

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1. Md. Ansharul @ Md. Insharul S/o Shekh Kalim @ Md. Kalim R/o Village - Madhura, Ward No. 5, P.S - Korha, District - Katihar
 2. Md. Minu S/o Shekh Kalim @ Md. Kalim R/o Village - Madhura, Ward No. 5, P.S - Korha, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Adv.
For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 17-02-2026 Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The petitioners seeks bail in anticipation of their arrest in a case registered for the offences punishable under Sections 30(a), 37 and 45 of Bihar Prohibition and Excise Act in connection with Korha P.S. Case No.211 of 2025.

3. Prosecution case in short is that, when the informant reached at the Residence of Raikumar Mahaldar on the basis of information received through ET No. 360927. Further, when he reached at the alleged place, he witnessed that a person attempted to flee away. However, he was caught and found to have consumed liquor. The accused then denied the consumption of liquor and fought with the police personnel.



Thereafter, with the assistance of other police personnel, the said accused person was taken into custody and after inquiry he named himself as Md. Tuntun and he disclosed that he went to consume liquor at the residence of Lalo Devi and her husband Rajkumar Mahaldar, who sells liquor. Further, upon proceeding to test by the breathe analyzer machine, the brothers of accused Md. Tuntun namely Md. Ansharul and Md. Minu and some other unknown people gathered there and obstruct the police personnel in discharging their duties and helped Md. Tuntun to evade. Later on, he was caught again and on breathe analyzer test the accused Md. Tuntun was found to be drunk with test result of 124.8 mg/100 ml. Accordingly, FIR was registered.

4. Learned counsel for the petitioner submits that no recovery has been made from the conscious physical possession of the petitioners and the nature of the allegation levelled against the petitioners is of causing hindrance in discharging the duty of police personnel and not of any offence having been committed under the Excise Act.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the fact that no recovery has been made from the conscious physical possession of the petitioners



and that from the reading of the FIR the nature of the allegation levelled against the petitioners is of causing hindrance in discharging the duty of police personnel and not of any offence having been committed under the Excise Act, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge, Exclusive Special Excise Court-II, Katihar in connection with Korha P.S. Case No.211 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C./Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita.

(Alok Kumar Sinha, J)

Prakash Narayan

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