

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17711 of 2026

Arising Out of PS. Case No.-39 Year-2026 Thana- SONBERSA District- Sitamarhi

1. Bhola Kumar @ Amresh @ Amresh Kumar S/o- Ram Dular Ray @ Dular Rai Resident of Village- Lalbandi Darbar Hanuman Nagar, Police Station - Sonbarsa, District -Sitamarhi
2. Jitendra Kumar S/o- Sitaram Ray Resident of Village- Janki Nagar Tole, Hanuman Nagar, Police Station - Sonbarsa, District -Sitamarhi
3. Rajeev Kumar S/o- Muneshar Ray Resident of Village- Sahorwa Police Station - Sonbarsa, District -Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 25-03-2026 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sonbarsa P.S. Case No.39 of 2026, F.I.R dated 11.02.2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per the prosecution case, on 11.02.2026, during evening patrolling, the informant Sanjay Kumar, ASI of Sonbarsa Police Station, received secret information that the



named accused persons and others were loading illicit Nepali liquor into a white Scorpio near the bamboo clamps of Harindar Ray at village Soharwa, near the Indo-Nepal border. Acting on the said information, he reached the spot, where upon seeing the police party, the accused persons allegedly fled away, though they were identified by the Mahal Chowkidar. Thereafter, the white Scorpio bearing registration no. BR 1 AP 1516 was searched, and 855 litres of Nepali country-made liquor was allegedly recovered, whereafter seizure list was prepared.

4. Learned counsel for the petitioners submits that recovery is made from a Scorpio vehicle bearing registration no. BR 1 AP 1516, and the petitioner is neither the owner of the vehicle in question nor the owner of the premises from where the vehicle was apprehended. It has next been submitted that the petitioners have no concern with the seized liquor and the name of the petitioners has transpired on the basis of secret information given by Mahal Chowkidaar. It has further been submitted by the learned counsel for the petitioners, by referring to a case rendered by Hon'ble Supreme Court in *Ayub Khan v. The State of Rajasthan*, Hon'ble Justice Abhay S. Oka held that criminal antecedents of an accused are only one of the several factors to be considered while deciding a bail application and



cannot, by themselves, be treated as an absolute ground for rejection of bail. The Court observed that depending upon the facts of the case, the period of incarceration, and the overall circumstances, bail may still be granted notwithstanding the existence of criminal antecedents. Lastly, it has been submitted that the petitioner No.1 has four criminal antecedent in which he is on bail while petitioner No.2 has no criminal antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession and / or premises belonging to the petitioners and the petitioner has no concern with the seized liquor and the name of the petitioner has transpired on the basis of secret information given by Mahal Chowkidaar, accordingly, this Court is inclined to grant anticipatory bail to the petitioners.

7. Let the petitioners, above named, be released on anticipatory bail in the event of their arrest or surrender before the court below within a period of four weeks from today 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 Excise Court No. 1, Sitamarhi, in connection
with Sonbarsa P.S. Case No.39 of 2026 subject to the condition
as laid down under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

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