

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48209 of 2026

Arising Out of PS. Case No.-158 Year-2017 Thana- FATUA District- Patna

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Sunny Kumar @ Sunny S/O Suresh Rai @ Suresh Ray R/O Village-
Rustampur, P.s.- Rustampur, Dist.- Vaishali, At Present R/O Vill.- Maujipur,
P.S.- Fatuha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 22-07-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Fatuha P.S. Case No. 158 of 2017, F.I.R dated 13.05.2017 registered for the offences punishable under Sections 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, on 13.05.2017 at about 5:00 PM, S.I.-cum-S.H.O. Sujeet Kumar of Fatuha Police Station received secret information that Vidyarthi Prasad @ Seth Ji and his associates were engaged in illegal liquor trade at Bankipur, Gorakh Mohalla. Acting on the information, the police conducted a raid and apprehended Ravi Kumar carrying a



plastic bag containing 12 bottles (750 ml each) of IMFL. On his disclosure, search of his house was conducted, leading to recovery of 12 more bottles (750 ml each) concealed under a cot. In total, 17.550 litres of IMFL were seized. Vidyarthi Prasad @ Seth Ji was also apprehended at the spot, and the involvement of Sunny Kumar @ Sunny was disclosed. A seizure list was prepared in presence of witnesses, and accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that the house, from where the recovery has been made, does not belong to this petitioner, rather belongs to one co-accused, namely Ravi Kumar, who has already been apprehended and on his statement the name of this petitioner has been transpired in this case. It has next been submitted that the petitioner has no concern with the seized illicit liquors and is in no way connected with the house from where the recovery is said to have been made. It is also submitted that the petitioner has clean antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail application in respect of the petitioner.

6. Considering the fact that neither the place of recovery, from where the illicit liquors are said to have been seized, nor the the seized articles is connected with this



petitioner, and the petitioner having clean antecedent, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Patna City, Patna in connection with aforesaid P.S. Case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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