

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46799 of 2026

Arising Out of PS. Case No.-52 Year-2026 Thana- GANGAUR District- Khagaria

1. Dharmendra Sah @ Dharmendra Kumar @ Dharmendra Saw S/o Nageshwar Sah @ Nago Saw R/v. Ward No. 02, Ramunia Babhan Gawan, P.S.- Gangaur, District- Khagaria
2. Raja Kumar @ Raja Ram Tanti S/o Sonelal Tanti R/v. Ward No. 02, Ramunia Babhan Gawan, P.S.- Gangaur, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nidhi Suman, Advocate
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-07-2026 Heard Mr. Nidhi Suman, learned counsel appearing on behalf of the petitioners and Mr. Rajendra Prasad Nat, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Gangaur P.S. Case No. 52/2026 registered for the offence(s) punishable under Sections Sections 30(a) of the Excise Act (Bihar).

3. As per the allegation made in the FIR, on secret information, the police conducted a raid at a *Pakka* house situated at Rahua Ketka Bahiyar, where the accused persons allegedly fled away on seeing the police. During search, a total of 30 litres of foreign liquor (40 bottles of Old Monk) was



recovered from two plastic bags kept inside the house and the same was seized after preparation of the seizure list.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and have falsely been implicated in the present case. He submitted that no recovery has been made from the conscious possession of the petitioners and the alleged recovery has been shown from an abandoned house which neither belongs to the petitioners nor it is in the possession of the petitioners. Learned counsel further submitted that at the relevant time the petitioners were grazing cattle in the *Bahiyar* and had no knowledge of the alleged liquor. On these grounds, the petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR and upon perusal of the materials available on record, it appears that the alleged recovery has not been made from the conscious possession of the petitioners and the liquor was recovered from a house which, according to the petitioners, does not belong to them. The petitioners were not apprehended from



the place of occurrence. Considering the nature of allegation, I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court 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 District Court where the case is pending / Concerned Court in connection with Gangaur P.S. Case No. 52/2026, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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