

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49323 of 2026

Arising Out of PS. Case No.-740 Year-2024 Thana- Excise P.S. District- Kishanganj

Sundar Ray Son of Biswanath Roy Resident of Village- Belkash, P.S.-
Barddhaman, District- Barddhaman (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Adv.

For the Opposite Party/s : Mrs.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 29-07-2026 Heard the parties.

2. The petitioner apprehends his arrest in connection with Madya Nisedh P.S. Case No. 740/ 2024, giving rise to Special Case No. 754 of 2024, registered for the offence(s) punishable under section(s) 30(a) and 32(3) of the Bihar Prohibition & Excise Act.

3. Learned counsel for the petitioner submits that the petitioner is not named in the FIR and has been made accused in this case mainly on the ground that he is the owner of the alleged Scorpio vehicle and though, as per the prosecution 0.750 litres of foreign liquor was recovered from the said vehicle but it is not the case of the prosecution that the petitioner was present in the said vehicle at the time of the alleged recovery and further, as per the prosecution case five persons including the



driver were apprehended at the spot and each of them disclosed his own identity. However, none of them named the petitioner or alleged his involvement in carrying or keeping the recovered liquor, so, implicating the petitioner in the alleged offence is merely on account of his ownership of the seized vehicle and the alleged offences of the Bihar Prohibition & Excise Act under which the FIR has been registered do not attract even prima facie against the petitioner, so, his prayer is not hit by the provisions of section 76(2) of the Bihar Prohibition & Excise Act. It is lastly submitted that petitioner has fair and clean antecedent.

4. Learned APP appearing for the State opposes the prayer of the petitioner.

5. Considering the above submissions as well as facts and circumstances of this case and mainly the petitioner's fair and clean antecedent, this court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Madya Nisedh P.S. Case No. 740/ 2024, giving rise to Special Case No. 754 of 2024, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty



Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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