IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64888 of 2026

CNR No. BRHC010917752026

Arising Out of PS. Case No.-196 Year-2026 Thana- GHORASAHAN District- East Champaran

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Prince Kumar S/o Ramadhar Rai @ Ramadhar Ray R/o through his guardian his father Ramadhar Rai @ Ramadhar Ray village Barwa Khurd Tola Jagiraha, P.S.- Kundwa Chainpur, Distt- East Champaran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

3 20-11-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Ghorasahan P.S. Case No. 196 of 2026 registered for the offences punishable under Sections 190, 191(2), 191(3), 126(2), 117(2), 118(1), 109, 132, 262, 352 of the BNS and Sections 30(a), 41(1) and 45 of the Bihar Prohibition and Excise Act.

3. As per prosecution case, during the course of patrolling, on seeing the police force some persons started fleeing away from the motorcycle. On chase, two persons were apprehended who disclosed their names as Manjay Kumar and

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Arun Kumar. On search, 144 litre illicit Nepali liquor was recovered from the jute bags of apprehended co-accused. Thereafter, some persons armed with *lathi, danda,* rod and *bhaala* came at the place of occurrence, surrounded the police force and started putting pressure upon the police force to release the apprehended persons. All the aforesaid persons assaulted the police force by means of *lathi, danda,* rod, *bhaala* and they were successful in getting the apprehended persons released. Petitioner's name has been disclosed by local Chowkidar.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Learned counsel orally submits that petitioner has falsely been implicated in the present case by the local chaukidar on account of village politics. He further submits that on similar and identical allegation, co-accused Satyendra Kumar @ Satyendra Kumar Yadav has already been granted anticipatory bail by this Court vide Cr. Misc. No. 64488 of 2026 and on principle of parity, petitioner also deserves bail. Petitioner was found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that there is

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complete violation of Section 103 of BNSS. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. Petitioner bears no criminal antecedent. It has been orally submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that petitioner is FIR named accused persons and he cannot escape from the allegation made in FIR. Hence, petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, petitioner was not found at the place of occurrence, co-accused has already been granted anticipatory bail by this court, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (rupees twenty thousand) with two sureties of the like amount each to

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the satisfaction of learned Exclusive Special Excise Court-3, Civil Court, East Champaran at Motihari in connection with Ghorasahan P.S. Case No. 196 of 2026, subject to the conditions as laid down under Section Section 482 (2) of BNSS.

7. The application stands allowed.

8. However, it is made clear that if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this Court, is not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Alok Kumar Pandey, J)

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