

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79430 of 2025

Arising Out of PS. Case No.-848 Year-2025 Thana- SONEPUR District- Saran

1. Ram Niwas Rai @ Mukesh Ranjan S/o Late Shivrath Rai @ Late Shivrath Ray @ Mukhiya R/o - Sabalpur Neval Tola, P.S - Sonepur, District- Saran
2. Sharma Rai @ Sharma Nand Rai S/o Natha Rai R/o - Rustampur Raghopur, P.S - Rustampur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Prasad Sinha, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 21-01-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. Learned counsel for the petitioners, at the outset, seeks permission to withdraw the anticipatory bail application with respect to petitioner no. 1, namely, Ram Niwas Rai @ Mukesh Ranjan who was arrested during pendency of the same.
3. Permission is accorded.
4. Accordingly, the anticipatory bail application with respect to petitioner no. 1 is dismissed as withdrawn.
5. The petitioner no. 2 apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.
6. Learned counsel for the petitioner no. 2 submits



that petitioner no. 2 has antecedent of two cases and allegation is of recovery of 480 litres of liquor from a place near Ganja Diyara.

7. Learned counsel for the petitioner no. 2 submits that petitioner no. 2 was not arrested from the spot, as such, nothing was recovered from his conscious possession and even the alleged recovery is from a place which does not belong to the petitioner no. 2 and is accessible to villagers at large. It is further submitted that petitioner no. 2 came to be implicated at the instance of the Chawkidar but then it is submitted that if the Chawkidar was aware of the involvement of the petitioner no. 2 in the occurrence then why he did not inform the police prior to the institution of the instant FIR which casts an aspersion on the case of the prosecution. It is next submitted that once an accused is implicated in a case relating to excise the police start implicating mechanically at the instance of the Chawkidar, local person, confessional statement or secret information without holding a proper investigation of the case.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner no. 2.

9. Considering the submissions made by the learned counsel for the petitioner no. 2, let the petitioner no. 2 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 provisional anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sonapur P.S. Case No. 848 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS.

10. It is made clear that thereafter the learned trial court shall verify the criminal antecedent of the petitioner no. 2 and if it is found that petitioner no. 2 has antecedent of more than two cases, it would be presumed that petitioner no. 2 had concealed his antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioner no. 2 has antecedent of only two cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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