IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77503 of 2026

CNR No. BRHC011102792026

Arising Out of PS. Case No.-949 Year-2026 Thana- SONEPUR District- Saran

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1. Rudal Kumar @ Rudal Ray son of Hari Ray @ Harilal Ray Resident of Vill- Sabalpur Chaharam, Po- and P.S- Sonepur, Dist- Saran at Chapra
2. Wakil Ray @ Kaka son of Kunj Bihari Ray Resident of Vill- Sabalpur Chaharam, Po- and P.S- Sonepur, Dist- Saran at Chapra
3. Bittu Kumar son of Late chadulal Ray @ Chhathu Ray Resident of Vill- Sabalpur Chaharam, Po- and P.S- Sonepur, Dist- Saran at Chapra

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Jeetendra Narayan, Adv.
For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 05-11-2026 Heard learned counsel for the petitioners and learned A.P.P for the State.

2. The petitioners apprehend arrest in connection with Sonepur P.S. Case No. 949 of 2026 lodged on 13.09.2026, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, pending in the court of 2nd Exclusive Special Excise Court, Saran at Chapra.

3. As per the prosecution case, FIR has been lodged against four named accused persons including the present petitioners. Total recovery of 360 litres of country made liquor

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has been made, which is the subject matter of the present case.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that nothing has been recovered from the conscious possession of the petitioners and the alleged recovery has been made from an open place which is accessible to all. Counsel submits that the petitioners were not apprehended from the place of occurrence and their name has figured in this case only on the basis of suspicion. He further submits that the petitioners have one criminal antecedent each in which they are on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that the petitioners have one criminal antecedent each and this aspect must be taken into consideration.

6. As such, in the present facts and circumstances of the case, this Court is not inclined to grant bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners stand rejected.

7. However, liberty is granted to the petitioners that if they surrender before the concerned Trial Court within a period of six weeks from today then in that case, the Trial Court is directed to pass order on their surrender-cum-bail application on

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the same day absolutely and strictly according to the law, without being prejudiced by the fact that the anticipatory bail application of the petitioners has been rejected by this Court, and the Trial Court shall pass order on the merits of the case.

(Dr. Anshuman, J)

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