IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77611 of 2026

CNR No. BRHC011115422026

Arising Out of PS. Case No.-1128 Year-2026 Thana- Excise P.S. District- East Champaran

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Ramashankar Prasad @ Rameshwar Patel S/o Late Baban Prasad R/o Vill. - Thikahan Bhawanipur, Ps - Sangrampur, Dist. - East Champaran.

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Prateek Tandon, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR

ORAL ORDER

2 04-11-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This application for anticipatory bail arises out of Motihari P.S. Case No. 1128 of 2026 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the allegation that the accused Purushottam Kumar had stored illicit liquor in his rented house upon such information the police raided and altogether 79.500 litres of foreign liquor was recovered.

4. Learned counsel for the petitioner submits that

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the petitioner is the owner of the house in question, wherein Purushottam Kumar was residing as a tenant on payment of monthly rent. It is further submitted that the room from which the alleged recovery was made was not in the possession or control of the petitioner at the time of the raid. Moreover, the procedure prescribed under Section 103 of the B.N.S.S. has not been followed. It has lastly be submitted that the petitioner has got no criminal antecedent.

5. Learned counsel for the State opposed the prayer of anticipatory bail of the petitioner.

6. Heard the parties and perused the record. Considering the facts and circumstances as well as the fact that the petitioner is a landlord of the property in question and room where the alleged recovery was made was not under the control of the petitioner and also the petitioner has got no criminal antecedent, let the petitioner above named, in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-2, Nawada, in connection with Motihari P.S. Case No. 1128 of 2026, subject to the conditions as laid

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down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita.

7. This application stands allowed.

(Praveen Kumar, J)

Sahil/-

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