IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76846 of 2026

CNR No. BRHC011117242026

Arising Out of PS. Case No.-191 Year-2026 Thana- RAJEPUR District- East Champaran

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Prince Kumar Son of Surendra Rai @ Surendra Ray Resident of Village - Nankar Balbhadrapur, P.S. - Rajepur, District - East Champaran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sugandh Saurabh, Advocate
For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

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

2. The petitioner is apprehending his arrest in connection with Rajepur P.S. Case No.191 of 2026, F.I.R dated 13.08.2026 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per the prosecution case, on 12.08.2026, at about 11:30 PM, the informant, an ASI posted at Rajepur Police Station, received secret information that the accused, Prince Kumar, was illegally storing liquor in an agricultural field at Nanhkar Balbhadrapur. Upon reaching the spot, the accused allegedly fled on seeing the police team and was identified by

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local villagers. A search of the field resulted in the recovery of 74.250 litres of English liquor. Accordingly, the present F.I.R. was lodged on the basis of the informant's written complaint.

4. Learned counsel for the petitioner submits that the place of recovery is from an open space, which is an agricultural field of Nanhkar Balbhadrapur, which is accessible to all. It has next been submitted that the name of the petitioner has transpired on the basis of information given by the local Police by the villagers and merely on the basis of his criminal antecedent, has been falsely implicated in the present case. It has further been submitted that the search and seizure is said to have been made without adhering to the procedures / provisions prescribed under Sections 103 and 105 of the Bihar Prohibition and Excise Act, 2016. It has lastly been submitted that the petitioner undertakes to cooperate in the investigation.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession and / or premises belonging to the petitioner and the name of the petitioner has transpired in the present case on the basis of

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information given by the local Police by the villagers, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-3, East Champaran, Motihari, in connection with Rajepur P.S. Case No.191 of 2026 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,

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failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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