IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78617 of 2026

CNR No. BRHC011131042026

Arising Out of PS. Case No.-430 Year-2026 Thana- ARARIA District- Araria

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Braj Kishore Mandal S/o Chandradev Mandal R/o Village - Dhkiya, Ward no. 12, Paik Tola, P.S. - Araria, Dist. - Araria.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Nishant Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

2 25-11-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Araria P.S. Case No. 430 of 2026 instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The case of the prosecution, in short, is that from the house of this petitioner, altogether 500 ml of illicit foreign liquor was recovered.

4. It is submitted by learned counsel for the petitioner that petitioner is innocent and has committed no offence. He

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has falsely been implicated in this case. Nothing has been recovered from his conscious possession. He has no concern with the alleged recovery. Learned counsel has further submitted that the witnesses of the seizure list are police personnel and police have not complied Section 105 of BNSS while preparing the seizure list. Moreover, the petitioner is having no criminal antecedent.

5. Learned APP has opposed the prayer for bail of the petitioner and has submitted that from perusal of the seizure list, it is clear that the recovery of liquor has been made from the house of this petitioner, as such, he does not deserve the privilege of anticipatory bail.

6. Accordingly, the application for grant of anticipatory bail to the petitioner is not maintainable in view of Full Bench decision of this Court rendered in the case of **Ram Vinay Yadav vs. The State of Bihar** reported in **2019(2) P.L.J.R. 1089 (F.B.).**

7. Considering the aforesaid facts of this case, I am not inclined to extend the privilege of anticipatory bail to the petitioner. As such, his prayer for anticipatory bail stands rejected.

8. However, learned trial court is directed to dispose

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of this case of the petitioner on the same day having regard to the fact that the quantum of illicit liquor which has been made from the house of this petitioner is only 500 ml and also the petitioner is having no criminal antecedent.

(Ashok Kumar Pandey, J)

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