IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79779 of 2026

CNR No. BRHC011142652026

Arising Out of PS. Case No.-506 Year-2026 Thana- PAROO District- Muzaffarpur

==========

1. Rakesh Rai son of Baiju Rai Resident Of Village- Tarwa Majhaulia, Ps-Paro, Dist- Muzaffarpur
2. Baiju Rai Son of Ramishwar Rai Resident Of Village- Tarwa Majhaulia, Ps-Paro, Dist- Muzaffarpur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Manoj Kumar, Adv
For the Opposite Party/s : Mr. Ramesh Chandra, APP

==========

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

2 25-11-2026 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Paroo P.S. Case No. 506 of 2026, registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. The case of the prosecution, in short, as per the informant is that 9 plastic sacks containing 412 bottles (180 ml each, total 74.160 liters) of Officer's Choice Foreign liquor (marked "For sale in Uttar Pradesh Only") were recovered and seized from the bushes behind the house of the petitioners.

4. Learned counsel for the petitioners submits that the

WEB COPY

petitioners are innocent and have not committed any offence. They have falsely been implicated in the present case. The alleged recovery of illicit foreign liquor was made from maize field behind the house of the petitioners, which is an open field. He further submits that nothing has been recovered from the conscious physical possession of the petitioners and the petitioners have no criminal antecedent.

5. Learned A.P.P. for the State opposes the prayer of anticipatory bail.

6. From the reading of the FIR, it appears that the liquor was recovered from a place behind the house of the petitioners and not from the house of the petitioners or from the conscious physical possession of the petitioners. Further, search and seizure memo has not been witnessed by two independent witnesses which casts a doubt over the genuineness and validity of the seizure itself and the petitioners have clean antecedent. Under these circumstances, this Court is inclined to grant privilege of anticipatory bail to the petitioners.

7. Let the petitioners, named above, in the event of their arrest or surrender before the Court below within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like

WEB COPY

amount each to the satisfaction of the learned Exclusive Special Excise Judge-II, Muzaffarpur in connection with Paroo P.S. Case No. 506 of 2026, subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and subject to the further condition that:-

(i) the petitioners shall co-operate in the investigation/trial.

(ii) the learned Court would, however, verify the criminal antecedent of the petitioners and in case it is found that the petitioners have concealed their criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioners. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

kiran/-

U		T	

WEB COPY