

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.927 of 2026**

Arising Out of PS. Case No.-441 Year-2025 Thana- BABUBARHI District- Madhubani

Radhakant Ray @ Radha Kant Roy S/o Yogendra Ray R/o Village -  
Dhamaura, P.S - Babubarhi, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      19-01-2026                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. Petitioner apprehends his arrest in a case registered  
for the offence punishable under Section 30(a) of Bihar  
Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that  
petitioner has antecedent of one case under the Excise Act and  
allegation is of recovery of 6 litres of liquor from Kiosk. It is  
next submitted that petitioner was not arrested from the spot, as  
such, nothing was recovered from his conscious possession. It is  
further submitted that no doubt Kiosk belongs to the petitioner  
but then the petitioner does his business from the Kiosk and no  
prudent person would use his own Kiosk for committing an  
occurrence and thus, would create evidence against himself and



hence, would get implicated. It is also submitted that it appears that some customer fearing the police concealed meagre amount of liquor in the Kiosk in absence of the petitioner and the petitioner came to be implicated at the instance of local person but then name of the person, who disclosed the name of the petitioner, is not disclosed in the FIR, which casts an aspersion on the case of the prosecution.

4. Learned A.P.P. opposes the anticipatory bail application.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bond in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Act, Madhubani in connection with Babubarhi P.S. Case No.441 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

6. The application stands allowed.

7. It is made clear that the learned trial Court after accepting the provisional bail bond of the petitioner shall verify



the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than one case, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner has antecedent of only one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

**(Satyavrat Verma, J)**

*Sanjay/-*

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

