

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24638 of 2025

Arising Out of PS. Case No.-382 Year-2024 Thana- TARAIYA District- Saran

Kanchan Rai S/o- Dilip Rai Village- Saguni Rajwara PS- Taraiya Dist- Saran
at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv.
For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Taraiya P.S. Case No. 382 of 2024 registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. The allegation against the petitioner is of involved
in manufacturing and trafficking of illicit wine; the police on a
secret information conducted raid at *Diyara* area of river
Saguni. In course of search, the police recovered 120 lts. of
illicit country made *Mahua* wine from a boat. It is further
alleged that altogether 10000 lts. of solution and 06-07 wine
kilns were also found there, which were also dismantled by the
petitioner. The persons, who were present at the place of



occurrence, on noticing the police party, succeeded in fleeing away. Later on, they were identified; one of them is said to be the petitioner.

4. Learned Advocate for the petitioner straightway drew the attention of this Court to para-3 of the bail application and submitted that, in fact, the name of the petitioner has been implicated in this case only on account of his three criminal antecedent of identical nature. It is further contended that in *Diyara* area wherever and whenever any raid is conducted and recovery is made, in all such kind of cases, the name of the petitioner has been implicated without there being any material collected during the course of investigation. The petitioner has neither any concern with the boat in question nor the land over which wine kilns were found established. There are other various infirmities in search and seizure and the witnesses to the seizure are none else but the raiding party. The petitioner undertakes that he will fully cooperate in the investigation and the proceedings of the Court.

5. Learned counsel for the State vehemently opposed the bail application and submitted that apart from huge recovery, manufacturing unit of country made wine was dismantled by the police and the villagers disclosed the name of the petitioner.



6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from an open place and there is no other material suggesting complicity of the petitioner in the crime, save and except the criminal antecedent and the disclosure made by the villagers, also does not inspire any confidence and, as such, in the opinion of this Court, rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, does not attract, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Exclusive Special Excise Judge, Saran at Chapra in connection with Taraiya P.S. Case No. 382 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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