

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34537 of 2025

Arising Out of PS. Case No.-69 Year-2025 Thana- DESARI District- Vaishali

Sudarshan Rai, S/o Jayprakash Ray, resident of Village- Rampur Khairi, P.S-
Sahdei, Distt-Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dharendra Prasad Sinha, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending their arrest in connection with Desari (Sahdei) P.S. Case No.69 of 2025 registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 15.210 liters of IMFL/country-made liquor.

4. It is submitted by learned counsel for the petitioner that one of the reason for implication of petitioner in present case as he found involved in five more criminal cases of similar nature, where he is on bail. It is submitted



that if the merit of the case appears in balance of accused/petitioner merely on the score of criminal antecedents, the bail prayer of the accused/petitioner ordinarily should not be denied. In support of his submission, learned counsel has relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari vs. State of U.P. & Ors. [(2020) 11 SCC 648]**. Recovery of illicit liquor appears to be made from joint house without compliance of Section 103(4) of the BNSS, creating a doubt *qua* entire search and seizure.

5. Learned APP opposed the prayer of anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions and by taking of note of fact as recovery of illicit liquor *prima facie* not appears to be made from conscious physical possession of this petitioner, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Exclusive Special Excise Court No.-
1-cum-Additional District and Sessions Judge, Vaishali at
Hajipur in connection with Desari (Sahdei) P.S. Case No.69 of
2025, subject to the conditions as laid down under Section
438(2) of the CrPC/under Section 482(2) of the BNSS with
further condition:-

(i) That petitioner shall not indulge in
similar nature of cases till the conclusion of trial,
failing which the State shall be at liberty to move
before the Trial Court itself for the cancellation of
bail bond of the petitioner.

(Chandra Shekhar Jha, J.)

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