

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50793 of 2025

Arising Out of PS. Case No.-39 Year-2024 Thana- DORIGANJ District- Saran

Lal Kishun Rai, S/o- Iner Rai, Village- Bichla Balua, P.S.- Doriganj, Dist-
Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-08-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Doriganj P.S. Case No. 39 of 2024 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. In course of patrolling, noticing the police party, two persons succeeded in fleeing away after throwing a Jute bag. In course of search, total 50 litres of country made liquor was recovered. The local people disclosed the name of the petitioner and one Nitesh Ray, as the persons, who fled away from the place of occurrence.

4. Learned Advocate for the petitioner submitted that the entire case is based upon suspicion that too only on account of two criminal antecedent of the petitioner of identical nature,



as has been disclosed in para.3 of the bail application. The alleged recovery has been made from an open place easily accessible to all. Moreover, the source of identification of the petitioner has also not been disclosed. It is further submitted that surprisingly the local persons, who disclosed the name of the petitioner, they have not been made the seizure list witness, as the seizure list witnesses are the police personnel, which also smacks malafide on the part of the prosecution case.

5. On the other hand, learned APP for the State vehemently opposes the bail application.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the fact that no material has been collected during the course of investigation, suggesting the complicity of the petitioner in the crime or any connection with the recovered illicit liquor, apart from doubtful identification of the petitioner and infirmity in the search and seizure, as also the lack of material, which attracts the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of



Rs.10,000/- (Rupees 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 Doriganj P.S. Case No. 39 of 2024, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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