

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50741 of 2025

Arising Out of PS. Case No.-205 Year-2025 Thana- Excise P.S. District- Rohtas

Rajesh Bind S/o Chirkut Bind R/o Village- Banrasiya, P.S.- Sasaram (M),
District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sadanand Roy, Adv.

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Excise Case No.412 of 2025, F.I.R. No.205/2025 registered for the offences punishable under Sections 30(a) and 30(c) of the Bihar Prohibition and Excise Act, 2018/2022.

3. On a tip-off manufacturing and trafficking of illicit wine, the police conducted raid; however, noticing the police party, the accused persons, including the petitioner succeeded in fleeing away. In course of search, various utensils and other manufacturing articles along with 34 lts. of illicit liquor were recovered.

4. Learned Advocate for the petitioner submitted that the entire case is based on suspicion on account of past criminal



antecedent of the petitioner, as has been disclosed in para-3 of the bail application. Admittedly, the alleged recovery has been made nearby a Pein of river, which is easily accessible to all and the petitioner has neither any concern with the land in question nor with the recovered incriminating materials.

5. Learned Advocate for the petitioner further contended that save and except disclosure made by the apprehended person, there is no other material. Even during the course of investigation, no other incriminating material has been recovered from the whereabouts of the petitioner nor any cogent material has come suggesting his complicity.

6. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that apart from three criminal antecedent, in the facts of the case, Section 76(2) of the Bihar Prohibition and Excise Act, 2016 (for short 'the Act, 2016') come into play and, as such, bars the anticipatory bail.

7. Regard being had to the submissions made on behalf of the parties and taking note of the fact that the alleged recovery has been made from an open place nearby a Pein of the river and there is no other material, suggesting connection of the petitioner with the recovered incriminating material; apart



from infirmities shown in the search and seizure and lack of necessary material(s) attracting the rigors provided under Section 76(2) of the Act, 2016, 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. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.1, Rohtas at Sasaram in connection with Excise Case No.412 of 2025, F.I.R. No.205/2025, subject to the condition as laid down under Section 482(2) of the BNSS, 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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