

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64573 of 2025

Arising Out of PS. Case No.-500 Year-2025 Thana- VAISHALI District- Vaishali

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Raju Ray, S/O Late Maheshwar Ray, R/O Village- Chakrasul, Almaanpur,
Nandlalpur, P.S. and Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Vaishali P.S. Case No. 500 of 2025, registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. The allegation against the petitioner is of involved
in trade of illicit wine. The police conducted raid and in course
of search 116 liters of beer was recovered beneath the wood
used for making the hut, kept in front of the house of the
petitioner.

4. Learned Advocate appearing on behalf of the
petitioner submitted that admittedly the alleged recovery has



been made from an open place easily accessible to all. However, only on account of two criminal antecedent of identical nature, the name of the petitioner has been implicated in this case without there being any cogent material. During the course of investigation no further material has come suggesting the complicity of the petitioner in crime. There is complete defiance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita besides other infirmities in the search and seizure. Mere criminal antecedent of a person cannot be the sole ground to reject the prayer for bail is the contention of learned Advocate for the petitioner.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that besides the anticipatory bail being not maintainable in terms with Section 76(2) of the Bihar Prohibition and Excise Act, 2016, the recovery from the front of the house of the petitioner clearly shows his involvement.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the fact that the alleged recovery has been made from an open place; as also the materials available on record do not attract the rigors provided under Section 76(2) of the Bihar



Prohibition and Excise Act, 2016, coupled with the infirmities in the search and seizure, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Exclusive Special Excise Court-II, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 500 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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