

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65947 of 2025

Arising Out of PS. Case No.-338 Year-2025 Thana- GORAUL District- Vaishali

Haresh Ray S/o- Bindeshwar Ray @ Binda Ray @ Bindeshwar Yadav,
Resident of Village - Karhatiya Bujurg, PS - Goraul (O. P - Kathara), District
– Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 12-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Goraul P.S. Case No.338 of 2025, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, on secret information that petitioner along with other co-accused persons have kept the illicit liquor in Litchi orchard of one Pintu Mahto for selling it, the police team conducted a raid and recovered 107.28 litre Indian made foreign liquor from the said Litchi orchard of Pintu Mahto. Petitioner alongwith other co-accused persons fled away from the spot who were identified by the local *Chaukidar*.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that petitioner is neither present on the spot nor has any concern with the place of occurrence. Learned counsel submits that local *Chaukidar* has implicated the name of petitioner due to village politics. He further submits that petitioner has no concern with the alleged seized liquor. Learned counsel submits that the place from where the alleged recovery has been made is open which is accessible to public at large. He further submits that no incriminating article has been recovered from the conscious possession of petitioner and there is no independent witness to the seizure list which is a violation of Section 103 of B.N.S.S. He further submits that petitioner has two criminal antecedents, out of which one case belongs to Excise Act which is of the year 2020 and he undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the concerned Court within six weeks from today, the petitioner be released on bail



upon 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 & Sessions Judge, Vaishali at Hajipur in connection with Goraul P.S. Case No.338 of 2025, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

(Sunil Dutta Mishra, J)

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