

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64674 of 2025

Arising Out of PS. Case No.-453 Year-2025 Thana- GARKHA District- Saran

Sonalal Ray, S/o Chhapit Ray @ Ramchhapit Ray, R/o Vill- Tahal Tola, P.S.-
Garkha, Distt- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shweta Anand, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP.

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 Garkha P.S. Case No. 453 of 2025, registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition & Excise Act, 2016.

3. The allegation against the petitioner is of involved
in trade of illicit wine. The police conducted raid and recovered
146.380 litres of Indian made foreign liquor from the field
which belongs to the petitioner.

4. Learned Advocate appearing on behalf of the
petitioner submitted that the alleged recovery has been made
from a field which falls within the share of all the coparcener,



however, only because of the petitioner being one of the shareholder, his name has been implicated in this case, on account of one criminal antecedent, as has been disclosed in paragraph no. 3. All the more, there are various other infirmities in the search and seizure, besides non-compliance with the prescriptions provided under Section 103 of the Bharatiya Nagarik Suraksha Sanhita. The witnesses to the search and seizure are none else, but the police personnels. The petitioner undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that the recovery from the field of the petitioner clearly speaks about his involvement, besides the prescriptions provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 which bars the anticipatory bail.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the materials, specially the fact that the alleged recovery has been made from an open place easily accessible to all and, as such, this Court is of the opinion that the bars provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 would not attract in the present case, 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 Special Judge Excise 1st, Saran at Chapra in connection with Garkha P.S. Case No. 453 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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