

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63786 of 2025

Arising Out of PS. Case No.-179 Year-2025 Thana- Excise Thana Hajipur District- Vaishali

Uday Rai S/o Baleshwar Rai @ Baleshwar Ray R/o Village- Diwantok, P.S.-
Gangabridge, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Akansha Varma, Mr.Kahkashan Alam
For the Opposite Party/s	:	Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-09-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Hajipur Excise P.S. Case No. 179/2025 for the offence under Sections 30(a)/(b)/(c) of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 12.06.2025 by the informant, Ajay Kumar.

3. As per the prosecution story, the Police upon secret information that this petitioner is manufacturing countrymade liquor, reached near the place, two persons managed to escape, one Dhiraj Kumar was apprehended. There is recovery of 70 litres of Mahua wine and 6000 kg. of Mahua solution. The arrested persons Dhiraj Kumar named this petitioner along with the other accused Birju Kumar. This led to the FIR.

4. Learned counsel for the petitioner submits that admittedly, the recovery/seizure is from the conscious



possession of Dhiraj Kumar. Only because named, got implicated. He has nothing to do with the alleged recovery. He further submits that if granted relief, he shall be diligently appearing in the trial.

5. Learned APP opposes the prayer submitting that arrested person named this petitioner.

6. Taking into account the submissions of the parties as also that nothing has been recovered from the conscious possession of the petitioner and also an undertaking has been given that he shall be diligently appearing in the trial, if granted bail, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No. 2 cum Additional District and Sessions Judge, Vaishali at Hajipur in connection with Excise P.S. Case No. 179/2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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