

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68788 of 2025

Arising Out of PS. Case No.-109 Year-2025 Thana- Excise Benipatti District- Madhubani

Rakesh Ray S/o Shatrughan Ray Resident of Village - Balwa, P.S.-
Madhwapur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Adv.

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-10-2025 Heard learned Advocate for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Benipatti Excise P.S. Case No.109 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Allegation against the petitioner is of involved in trade of illicit wine; the police in course of patrolling, apprehended one Nawal Kumar Ray. In course of search, total 67.320 lts. of Nepali wine was recovered. The apprehended person disclosed the name of the petitioner as trader of the illicit wine.

4. Learned Advocate for the petitioner submitted that save and except the confession made by the apprehended



person, that too before the police, has no evidentiary value in the eyes of law, there is no material collected during the course of investigation suggesting complicity of the petitioner in crime. The petitioner has no concern with the apprehended person nor with the recovered wine. The fair antecedent of the petitioner also fortifies the aforesaid submission. Besides the aforesaid fact, there are various other infirmities in the search and seizure, coupled with the non-compliance of the provisions of Sections 103 and 105 of B.N.S.S.

5. On the other hand, learned Advocate for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except disclosure made by the apprehended person, there is no material, besides the infirmities in the search and seizure and the fair antecedent as also the lack of materials attracting the rigors provided under Section 76(2) of the Bihar Prohibition and Excise 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. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned



Exclusive Special Judge, Excise Court, Madhubani in connection with Benipatti Excise P.S. Case No.109 of 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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