

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17263 of 2026

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

Manager Rai @ Manajer Rai S/o- Madan Rai @ Madan Ray Village-
Habaspur Phutani Bazar PS- Shahpur District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vasant Vikas, Adv.
For the Opposite Party/s : Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 25-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Dighwara P.S. Case No.453 of 2025 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is recovery of 200 liters of illicit liquor and 2000 liters liquor has been destroyed on the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in this case. Learned counsel for the petitioner further submits that petitioner has not been apprehended on the spot and no recovery has been made from the conscious physical possession of the petitioner. Further



submits that the recovery has been made from Shankarpur Diara Area on the bank of river. Learned counsel for the petitioner next submits that the search and seizure memo is not signed by two independent witnesses, which puts a question mark on the validity of the seizure.

5. The learned APP opposes the anticipatory bail application.

6. Considering the fact that petitioner has not been apprehended on the spot and no recovery has been made from the conscious physical possession of the petitioner. In fact the recovery has been made from Shankarpur Diara Area on the bank of river. Further taking into account that the search and seizure memo is not signed by two independent witnesses, which puts a question mark on the legality and validity of the seizure itself. Under these circumstances, this Court is inclined to grant privilege of anticipatory bail to the petitioner.

7. Accordingly, the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on anticipatory bail on his furnishing bail-bonds in the sum of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional



Sessions Judge-cum-Exclusive Special Court Excise Act, I,
Saran at Chapra, in connection with Dighwara P.S. Case No.453
of 2025, subject to the conditions laid down under Section
482(2) of the Bhartiya Nagarik Suraksha Sanhita.

(Alok Kumar Sinha, J)

Prakash Narayan

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