

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18460 of 2026

Arising Out of PS. Case No.-293 Year-2025 Thana- DERNI BAZAR District- Saran

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Jitendra Rai S/o Late Nageshwar Ray Resident of Village- Pojhi, P.S.- Derni,
District- Saran Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nalin Kumar, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

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

learned APP for the State.

2. At the outset, the learned counsel for the petitioner seeks permission to correct the quantity of alleged liquor which has been seized, since in paragraph no.14 due to typographical error, instead of 27 litres, he has mentioned 15 litres.

3. The permission, so sought for, is accorded.

4. Let the same be done during course of the day.

5. The petitioner is apprehending his arrest in connection with Derni P.S. Case No. 293 of 2025 for allegedly having committed offence under Section 30(a) of the Bihar Prohibition and Excise Act.

6. As per the prosecution case, while the informant was on patrolling duty, he got a secret information that the petitioner has concealed country made liquor behind his house



in Bushes. Upon receiving such information, the informant reached along with police party near the place of occurrence and recovered altogether 27 litres of country made liquor behind the house of the petitioner from the bushes.

7. The learned counsel for the petitioner submits that the nothing has been recovered from the conscious possession of the petitioner and the alleged recovery has been made from the bushes which is open to all. While preparing the seizure, the provisions contained under Section 103 of the B.N.S.S. were not followed. The name of the petitioner transpired during course of investigation. The petitioner is having four criminal antecedents of similar nature in which he is on bail.

8. The learned APP for the State vehemently opposes the prayer for bail of the petitioner and submits that the petitioner is a habitual offender having accused in four more cases of similar nature.

9. Having heard the learned counsel for the parties, let the petitioner, above named, in the event of arrest or surrender within a period of eight weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (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-1, Saran at Chapra in connection with Derni P.S. Case No. 293 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., with further condition:

(1) The learned Court concerned shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court concerned shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J)

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