

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18258 of 2026

Arising Out of PS. Case No.-41 Year-2026 Thana- SURSAND District- Sitamarhi

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Ram Jinish Ray @ Ram Jinish Kumar S/O Rajendra Ray Resident of village-
Karbana, P.S.- Sursand, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dwij Raj, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2026 Heard Mr. Dwij Raj, learned counsel for the

petitioner and Ms. Sangeeta Sharma, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Sursand P.S. Case No. 41 of 2026, F.I.R dated
19.01.2026 registered for the offences punishable under
Sections 30(a), 36 and 41 of Bihar Prohibition and Excise Act
and Sections 274 and 275 of the BNS.

3. Recovery is of 2970 liters of Nepali Gaurabh
Saufi wine.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
allegation as alleged in the F.I.R is false and fabricated and he



has not committed any offence as alleged in the FIR. He further submits that the petitioner was not present at the place of occurrence and name of the petitioner has been transpired on the basis of the disclosure made by the apprehended co-accused person and except the aforesaid, no other cogent material has come during investigation which suggest the involvement of the petitioner in the present occurrence. There is non-compliance with mandatory procedure prescribed for recovery under Section 103 of the BNSS. No case, whatsoever, would be made out against the petitioner under the Bihar Prohibition and Excise Act.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioner referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable.

6. This court is aware of the decision of the Full Bench in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019(2) P.L.J.R. 1089**. Having regard to the law laid down in the aforesaid judgment and the submission advanced on behalf of the parties, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submission of



counsel for the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Special Judge, Exclusive Special Excise Court-II, Sitamarhi in connection with Sursand P.S. Case No. 41 of 2026, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at



any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step 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.

(Rajesh Kumar Verma, J)

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