

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25349 of 2026

Arising Out of PS. Case No.-10 Year-2026 Thana- EXCISE PATORI District- Samastipur

Rajesh Kumar S/O Surendra Ray R/O Village- Maricha, Police Station- Halai,
Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-04-2026 Heard Mr. Mahendra Pratap, learned counsel

appearing on behalf of the petitioner and Mr. Md. Fahimuddin,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Patori Excise P.S. Case No. 10 of 2026 registered for the
offence(s) punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. As per the allegation made in the FIR, 10.335
litres of illicit liquor was recovered from the house of the
petitioner.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. Learned counsel further
submitted that the seizure was conducted without jurisdiction, as



the authority concerned failed to record the requisite satisfaction prior to exercising its power to search the petitioner's house. In the absence of such jurisdictional compliance, the entire seizure stands vitiated in the eyes of law. Petitioner has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR and the fact that the petitioner has clean antecedent and also the fact that the State has failed to implement its liquor policy in its true spirit, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Concerned Court where the case is pending in connection with Patori Excise P.S. Case No. 10 of 2026, subject to the conditions as laid down under Section



482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

U		T	
---	--	---	--

