

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27456 of 2026

Arising Out of PS. Case No.-638 Year-2022 Thana- DARIYAPUR District- Saran

Manjay Ray @ Banar Ray, Son of Jainath Ray, R/o Vill- Parasawana, P.S. - Parsa, Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nalin Kumar, Adv.
For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 13-05-2026 Heard Mr. Nalin Kumar, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Dariyapur P.S. Case No. 638 of 2022 for the offence punishable under sections 30 (a) of the Bihar Excise and Prohibition Act, lodged on 27.11.2022 by the informant.

3. As per the prosecution case, there has been recovery of altogether 150 litres of illicit country-made liquor allegedly from two places.

4. Learned counsel for the petitioner submits that altogether 150 litres of illicit country-made liquor is said to have been recovered from two places. Learned counsel for the petitioner submits that this petitioner is connected with recovery of 130 litres of illicit country-made liquors which is said to have



been recovered from a bush behind Shiv Mandir which is an open place and accessible to general public and the petitioner has three antecedents akin to the instant case and is on bail in all those three cases. The learned counsel of the petitioner submits that the petitioner is ready to cooperate with the investigation and would abide by the terms and conditions as imposed by this Court.

5. Learned APP opposes the prayer submitting that the petitioner has got three criminal antecedents of similar nature. Hence, he does not deserve the privilege of anticipatory bail.

6. Considering the fact that the recovery has not been made from the constructive possession of this petitioner and the place from where the recovery of illicit country-made liquor has been made, is an open place accessible to all, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, above named, be released on bail in the event of arrest or surrender within a period of six weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court-I, Saran at Chapra in connection with aforesaid PS Case,



subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Ajit Kumar, J)

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