

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28173 of 2026

Arising Out of PS. Case No.-163 Year-2026 Thana- MASHRAK District- Saran

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Dipak Rai @ Depak Rai @ Deepak Rai S/o Gautam Ray @ Gautam Yadav
R/o Village - Amardah, P.S - Isuapur, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar Singh, Advocate
For the Opposite Party/s : Ms. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 22-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 274, 123, 110, 105, 238, 61(2)/275 of B.N.S. and Sections 30(a), 33, 34 and 37 of the Bihar Prohibition and Excise Amendment Act.

3. The case of the prosecution, in short is that the petitioner has purchased spirit from one Pankaj Singh and has sold the same to Arbind Rai. It is further alleged that from the house of this petitioner, 7 liters of spirit like alcohol was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has been falsely implicated in this case. Learned counsel for the petitioner has submitted that the other allegations are against



other accused persons. The main thrust of allegation against this petitioner is that 7 liters of spirit was recovered from his joint house. It has further been submitted that nothing has been recovered from his possession. It has further been submitted that the witnesses of the seizure list are police personnel. Police has not complied Section 105 of the B.N.S.S. while making the seizure. Petitioner is having no criminal antecedent and he is languishing in judicial custody since 15.03.2026.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Mashrakh P.S. Case No. 163 of 2026 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Judge, Saran at Chapra.

(Ashok Kumar Pandey, J)

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