

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28396 of 2026

Arising Out of PS. Case No.-73 Year-2026 Thana- Excise P.S. District- Saran

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Dhupendra Kumar Rai, Son of Saheb Rai @ Saheb Prasad Yadav, Resident of
Village - Jamuna Mushhari, P.S.- Chapra Muffasil, District – Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 05-05-2026 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 Section 30(a) of the
Bihar Prohibition and Excise Act.

3. The case of the prosecution, in short is that from
the possession of this petitioner, altogether 2 liters of country
made liquor 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 altogether 20 liters of country
made liquor was recovered from 8 persons. As per the case of



the prosecution, only 2 liters country made liquor was recovered from the possession of this petitioner. 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 21.03.2026.

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 Sadar Excise P.S. Case No. 73 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 3rd Exclusive Special Excise Court, Saran at Chapra.

7. It is very disheartening to note that even the officers in the cadre of A.D.J. are not able to segregate the allegations and are passing orders blatantly only relying the provisions of the Act without considering the merit of



**the case in hand. They need to introspect while exercising
their jurisdiction.**

(Ashok Kumar Pandey, J)

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