

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36277 of 2026

Arising Out of PS. Case No.-38 Year-2026 Thana- MAHNAR District- Vaishali

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Prem Singh @ Prem Chandra Singh @ Prem Kumar S/o Arvind Singh @
Arvind Kumar, Resident of Village- Chamrahara, P.S.- Mahnar, District-
Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niranjan Parihar, Adv.

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-06-2026 Heard the learned Advocate for the petitioner and the

learned Additional Public Prosecutor for the State through

virtual mode.

2. The petitioner apprehends his arrest in connection
with Mahnar P.S. Case No. 38 of 2026, registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. Acting on a tip regarding trade of illicit wine and
concealment thereof, the police conducted raid over *Chamhara*.
However, noticing the police party, the persons who were
indulge in such activities succeeded in fleeing away. The local
Chaukidar disclosed their names, including the name of the
petitioner. In course of search, total 58.26 liters illicit wine was



recovered.

4. Learned Advocate for the petitioner submitted that the very identification of the petitioner by the local *Chaukidar* appears to be doubtful. In fact, the name of petitioner has been implicated in this case only on account of his past three criminal antecedent of identical nature. During the course of investigation, no materials have collected which suggests the involvement of the petitioner in crime. The petitioner has neither any concern from the place where the recovery has been made nor with the illicit wine. Even if the allegation is taken to be true for the sake of argument, save and except the disclosure made by the village *Chaukidar*, there is no material which attracts the rigors provided under Section 76(2) of the Bihar Prohibition and Excise (Amendment) Act.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submits that besides three criminal of identical nature, the petitioner was identified by village *Chaukidar* and there is a recovery of huge amount of illicit wine.

6. Having considered the submissions advanced on behalf of the learned Advocate for the respective parties and taking note of the fact that the alleged recovery has been made



from an open place, coupled with the fact that there is serious deficiencies in the search and seizure as also the lack of any ingredients, which attracts the rigors provided under Section 76(2) of the Bihar Prohibition and Excise (Amendment) Act and, moreover, mere criminal antecedent of a person cannot be the sole ground to reject the prayer for anticipatory bail, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court Exclusive Special Excise Court No.-II-cum-(ADJ), Vaishali at Hajipur in connection with Mahnar P.S. Case No. 38 of 2026 subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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