

Arising Out of PS. Case No.-156 Year-2026 Thana- DORIGANJ District- Saran

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... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner/s : Mr. Rajesh Kumar
For the Opposite Party/s : Mr. Sunil Kumar Pandey

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2 01-07-2026 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Doriganj P.S. Case No. 156 of 2026 registered for the offences punishable under Sections 30(a) and 41 of Bihar Prohibition and Excise Act.

3. The prosecution case in brief is that on 22.03.26, police received secret information about illegal foreign liquor trade near Doriganj Ghat during a raid some suspected try to fled away, but one persons Vikash @ Vinit Kumar Rai was caught police seized 48.24 liters of illicit liquor and three vehicle. during interrogation he reveale3d that the liquor was purchased from Santosh Rai, who had more struck hidden near Mashan Ghat. Police conducted another raid and recovered 470



liters liquor from bushes near Santosh's house. Two persons fled but one was identified as Santosh Rai.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case on the basis of disclosure made by apprehended co-accused person, namely, Vikash @ Vinit Kumar Rai. He further submits that it appears from the F.I.R and seizure list that nothing has been recovered from the conscious possession of the petitioner and except the aforesaid nothing has come during the investigation to suggest the involvement of the petitioner in the present occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioner referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable. Apart from that petitioner has antecedent of three cases other than the present case but fairly submits that the cases which are pending against the petitioner are not pertaining to excise cases

6. This court is aware of the decision of the Full Bench in the case of Ram Vinay Yadav vs. State of Bihar reported in 2019(2) P.L.J.R. 1089. Having regard to the law laid



down in the aforesaid judgment and the submission advanced on behalf of the parties, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submission of counsel for the petitioner.

7. Considering the aforesaid facts, nothing has been recovered from conscious possession of the petitioner and the name of the petitioner has transpired on the basis of disclosure made by apprehended co-accused person, namely, Vikash @ Vinit Kumar Rai, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge, Saran at Chhapra in connection with Doriganj P.S. Case No. 156 of 2026, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court



below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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