

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34178 of 2026

Arising Out of PS. Case No.-70 Year-2026 Thana- EXCISE PATORI District- Samastipur

Dharmendra Rai @ Dharmendra Kumar Rai S/o Rambabu Rai Resident of
Ward No. 08 (earlier ward no. 11), Vikrampur, Sarangpur, P.S.- Halai,
District- Samastipur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Keshav Bhardwaj

For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 18-05-2026 Heard the learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in Patory Excise
Case No. 70 of 2026 registered under Section 30(a) of Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution story which has been lodged on
the basis of written report submitted by the informant to the
effect that he received a secret information that in huge quantity,
illicit foreign liquor has been concealed in a secret underground
chamber constructed inside a semi-constructed brick house
under the possession of the petitioner. The informant after
informing the superior authority, constituted a raiding team
consisting of police officials and armed guards and at around



9:50 P.M. reached at the place of occurrence. He found some empty liquor cartons lying near the semi-constructed house and upon digging the soil, a secret underground chamber was allegedly detected. On inspection thereof, several cartons containing foreign liquor were allegedly found stored therein. Total 938.130 litres of illicit foreign liquor was recovered from the semi-constructed house. The petitioner was not found at the place of occurrence.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. Nothing incriminating has been recovered from the conscious possession of the petitioner and the petitioner has got no concern with the alleged illicit foreign liquor. He further submits that the house which is a semi-constructed, is a joint family property and has not yet been partitioned in between the family members. He further submits that the petitioner has been made an accused in the present case only on the basis of having 4 criminal antecedent, out of which, two cases are of similar nature.

4. The Learned APP for the State opposes the prayer for anticipatory bail of the petitioner and submits that the petitioner is an accused in four other cases and out of which, two are of



similar nature and he does not deserve the privilege of anticipatory bail.

5. Having heard the learned counsel for the parties and after going through the records, it appears that total 938.130 litres of illicit foreign liquor was recovered from the semi-constructed house which is joint family property of the petitioner. The petitioner was not present at the place of occurrence. He has got four cases, out of which, two are of similar nature.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Samastipur in connection with Patory Excise Case No. 70 of 2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., with further condition:

(i) The learned Court concerned shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the Court concerned shall take steps 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.

(ii) One of the bailors should be close relative of the petitioner.

(Ritesh Kumar, J)

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