

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38720 of 2026

Arising Out of PS. Case No.-63 Year-2026 Thana- BACHHWARA District- Begusarai

Saheb Rai @ Saheb Ray S/O Late Harbansh Rai @ Harbansh Rai @ Harbans
Rai R/O Village – Bishanpur (Bisanpur), P.S- Bachhwara, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-06-2026 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Bachhwara P.S. Case No. 63 of 2026 registered for the offence(s) punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the allegations made in the FIR, 4.2 litres of illicit liquor were recovered from a maize field situated in front of the petitioner's house. From the same maize field, 20 litres of raw material (fermented *Mahua*) were also seized, which were subsequently destroyed on the spot by the police personnel.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Learned counsel further



submitted that recovery of illicit liquor has been made from a maize field which is an open space and is easily accessible by anyone. Petitioner has no concern either with the place of recovery (maize field) or with the alleged sized liquor. Petitioner has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties and upon perusal of the allegations made in the FIR, coupled with the fact that the alleged recovery of illicit liquor was effected from a maize field, which is an open space and easily accessible by anyone, I am of the opinion that petitioner, who is having a clean antecedent, has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Concerned Court where the case is pending in connection with Bachhwara P.S. Case No. 63 of 2026, subject to the conditions as laid down under Section



482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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