

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42371 of 2026

Arising Out of PS. Case No.-453 Year-2026 Thana- GARKHA District- Saran

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1. Ashok Ray S/O Kameshwar Ray R/O Vill.- Tahal Tola, P.S.- Garkha, Dist.- Saran at Chapra.
 2. Butti Ray @ Sujit Kumar S/O Sitab Ray R/O Vill.- Tahal Tola, P.S.- Garkha, Dist.- Saran at Chapra.
 3. Akshay Ray @ Akshay Kumar S/O Utim Ray R/O Vill.- Tahal Tola, P.S.- Garkha, Dist.- Saran at Chapra.
 4. Umesh Ray @ Umesh Kumar S/O Jogi Ray @ Yogendra Ray @ Yougendra Ray R/O Vill.- Tahal Tola, P.S.- Garkha, Dist.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 08-07-2026 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioner is apprehending arrest in connection with Garkha P.S. Case No. 453 of 2026 registered on 19.04.2026 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution, total recovery of 110 liters of illicit country-made liquor from an open place is the subject matter of the present case.



4. It is submitted by the learned counsel for the petitioner that the petitioner is innocent and has committed no offence. Nothing has been recovered from their conscious possession nor were they apprehended from the place of occurrence. The alleged place of recovery is an open place accessible to all and neither the place of occurrence nor the recovered articles belong to the petitioners. It is further submitted that there is non-compliance of Section 100 Cr.P.C. as no independent witness has signed the seizure list. The petitioners are daily wage earner and have been implicated due to previous enmity. It is lastly submitted that the petitioners are ready to cooperate with the investigation and there is no likelihood of their absconding or tampering with the evidence.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that during the raid, a huge quantity of 110 litres of illicit country-made liquor along with furnaces and other articles used for manufacturing liquor was recovered from the place of occurrence. He further submits that the antecedents of the petitioner are not clean as petitioner nos.1 and 2 are accused in one criminal case, petitioner no.3 is accused in two criminal cases, petitioner no.4 is accused in three more criminal cases.



6. In this background, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner in connection with Garkha P.S. Case No. 453 of 2026, pending before the learned Additional Sessions Judge-Cum-Exclusive Special Court Excise Act-1 is hereby rejected.

(Dr. Anshuman, J)

Manshi/Ashwini

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