

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43467 of 2026

Arising Out of PS. Case No.-226 Year-2026 Thana- DESARI District- Vaishali

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Dipak Kumar Ray @ Deepak Kumar Son of Dinesh Ray @ Dinesh Rai R/o
Village -Nayagaon Ganiyari (Bhartaulia) PS -Desari District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Rani Shashi Bharti, Advocate

For the Opposite Party/s : Ms. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-07-2026 Heard Ms. Rani Shashi Bharti, learned counsel for the
petitioner and Ms. Asha Kumari, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
24.05.2026, in connection with Desari P.S. Case No. 226 of 2026,
F.I.R. dated 24.05.2026 registered for the offences punishable
under Sections 30(a) of the Bihar Prohibition & Excise
(Amendment) Act, 2022.

3. Recovery is of 63.00 litres of *country made* liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. It appears from the F.I.R. as well as seizure list that
recovery has been made from the motorcycle in question which
suggests that nothing has been recovered from the conscious
possession of the petitioner. It appears from the F.I.R. as well



seizure list that the seizure list witnesses are police personnel so there is non compliance of Sections 103 and 105 of the B.N.S.S., 2023. The petitioner is in custody since 24.05.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in pending matters.

6. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioner and there is non compliance of Sections 103 and 105 of the B.N.S.S., 2023, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1-cum-District and Additional Sessions Judge, Vaishali at Desari in connection with Desari P.S. Case No. 226 of 2026, subject to the 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 witness, 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 antecedents, 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)

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