

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48374 of 2026

Arising Out of PS. Case No.-330 Year-2026 Thana- DARIYAPUR District- Saran

1. Vivek Rai @ Vivek Kumar S/O Kameshwar Prasad R/O Village- Tarwa Magarpal, P.S.- Dariyapur, Dist.- Saran.
2. Ramesh Rai @ Ramesh Ray S/O Ramdev Ray R/O Village- Tarwa Magarpal, P.S.- Dariyapur, Dist.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nalin Kumar, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2026 Heard learned Advocate for the petitioners and
learned Advocate for the State.

2. The petitioners apprehend their arrest in connection with Dariyapur P.S. Case No.330 of 2026 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. Acting on a tip-off regarding the manufacture of illicit liquor, the police conducted raid on the bank of River Diyar near Village Magarpal Nuran. On noticing the police party, the persons allegedly assembled there succeeded in fleeing away and were subsequently identified by the local Chowkidar as the petitioners. During the course of search, 115



litres of country-made liquor, along with certain utensils and drums allegedly used for its manufacture, were recovered.

4. Learned Advocate for the petitioners, drawing the attention of this Court to the FIR, submitted that the entire recovery was effected from the bank of River Diyar, which is an open place easily accessible to all. It is further contended that the petitioners have been implicated in the present case solely on account of their past criminal antecedents involving similar offences, without there being any cogent material to indicate their complicity in the alleged crime. There is complete defiance of Sections 103(4) and 105 of the Bharatiya Nagarik Suraksha Sanhita, 2023. It is also argued that nothing has been recovered either from the conscious possession or from the whereabouts of the petitioners and, therefore, the rigours provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 is not attracted.

5. Learned Advocate for the State vehemently opposed the prayer for anticipatory bail and submitted that the petitioners were found indulge in manufacturing of illicit liquor.

6. Having regard to the submissions advanced on behalf of the respective parties and taking note of the fact that the entire recovery was effected from the bank of a river, which



is an open place easily accessible to all, coupled with the alleged non-compliance with the mandatory provisions of the BNSS and the absence of any material indicating conscious possession or otherwise attracting the rigours provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Exclusive Special Court Excise Act-1, Saran at Chapra in connection with Dariyapur P.S. Case No.330 of 2026, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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