

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48311 of 2026

Arising Out of PS. Case No.-266 Year-2026 Thana- DALSINGHSARAI District- Samastipur

RAMAN KUMAR @ RAVAN KUMAR, S/O Ramasish Rai @ Ram Ashish Rai @ Ramashish Ray, Resident of Ward No. 04, Makdampur, Konaila, P.S.- Dalsinghsarai, Dist.- Samastipur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Keshav Bhardwaj, Advocate

For the Opposite Party/s : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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

2. The petitioner is apprehending his arrest in connection with Dalsinghsarai P.S. Case No. 266 of 2026 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The police acting on a tip off regarding storage and sale of illicit wine, conducted raid. However, noticing the police party, the persons, who were assembled there, succeeded in fleeing away; who were later on identified by the Chaukidar and one of whom was found to be the petitioner. In course of search total 32.515 litres of illicit liquor was recovered from the *parti* land of the petitioner, besides 69.690 litres of illicit liquor was



recovered from the tea shop of the petitioner.

4. Learned Advocate for the petitioner referring to the F.I.R. as well as seizure memo submitted that bare reading of the same, it clearly suggest that two consignment have been recovered; firstly 32.515 litres of illicit liquor, which has been recovered from an open place, which is easily accessible to all, for which the petitioner cannot be held responsible. So far the second part of recovery of 69.690 litres of illicit liquor from a tea stall is concerned, in fact at the time of recovery several customers were sitting in the shop and one of them was carrying a bag from which the said recovery has been made, however, only on account of the past criminal antecedent of the petitioner and one of which is identical in nature, the name of the petitioner has been implicated in this case. It is the specific contention of the petitioner that had the recovery been made from the shop and house, there would be signature of any of the family members of the petitioner, but the seizure list witnesses are non-else, but the police personnel and, as such, there is clear violation of 103(4) of the Bharatiya Nagarik Suraksha Sanhita, 2023. The video recording has also not been done, which is also the mandate of Section 105 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioner undertakes that he will fully



cooperate in the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that a huge quantity of illicit liquor has been recovered from the house and shop of the petitioner, besides, there is rigors under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 to maintain anticipatory bail.

6. Regard being had to the submissions made on behalf of the learned Advocate for the respective parties and taking note of the defiance of the statutory prescriptions of Bharatiya Nagarik Suraksha Sanhita, 2023, especially Sections 103(4) and 105 as well as the defence taken by the petitioner and the lack of cogent materials, which attracts the rigors provided under Section 76(2) of the of the Bihar Prohibition and Excise Act, 2016, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (Excise-I), Samastipur in connection with Dalsinghsarai P.S. Case No. 266 of 2026, subject to the condition as laid down under Section 482



(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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