

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51192 of 2026

Arising Out of PS. Case No.-94 Year-2026 Thana- Excise Thana Hajipur District- Vaishali

Jay Mangal Ray Son of Yogendra Ray Resident of Village- Chakthakursi,
Kusiyari, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rupa Kumari

For the Opposite Party/s : Mr.Kanhiya Kishor

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2026 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Hajipur Excise P.S. Case No. 94 of 2026, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The police, on secret information, conducted a raid on the house of the petitioner. However, noticing the police party, one person succeeded in fleeing away, who was identified as the petitioner. In course of search, 67.890 litres of illicit foreign liquor was recovered from the hay loft kept near the house of the petitioner.

4. Learned Advocate for the petitioner submitted that nothing has been recovered from the house of the petitioner.



However, only on account of the fact that in course of search, the alleged illicit wine was recovered from a hayloft, kept beside the house of the petitioner. The name of the petitioner has been implicated in this case on suspicion. The petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the court. Witnesses to the search and seizure are none else but the police personnels and, as such, there is no compliance of Section 103(4) of the BNSS.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application.

6. Having considered the submissions advanced on behalf of the rival parties and considering the fact that the recovery has been made from hayloft kept beside the house of the petitioner and the petitioner is carrying fair antecedent as well as no compliance of Section 103(4) of BNSS as also the lack of materials which attract the rigors to maintain the anticipatory bail, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special



Excise Judge 2nd -Cum- Sessions and Additional Sessions Judge,
Vaishali at Hajipur in connection with Hajipur Excise P.S. Case
No. 94 of 2026, subject to the conditions laid down in Section
482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the
further condition that one of the bailors shall be the own/close
family members of the petitioner.

(Harish Kumar, J)

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