IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74841 of 2026

CNR No. BRHC011061842026

Arising Out of PS. Case No.-540 Year-2026 Thana- BHAGWAN BAZAR District- Saran

==========

1. Jitendra Kumar @ Jitendra Rai Son of Horil Ray Resident of village - Daulatganj, Bari Mandir, P.S.- Bhagwan Bazar / B. Bazar, District - Saran at Chapra.
2. Suresh Rai Son of Horil Ray Resident of village - Daulatganj, Bari Mandir, P.S.- Bhagwan Bazar / B. Bazar, District - Saran at Chapra.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

==========

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 04-11-2026 Heard learned Advocate for the petitioners and learned Advocate for the State.

2. The petitioners apprehend their arrest in connection with Bhagwan Bazar/B. Bazar P.S. Case No.540 of 2026 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Acting on a tip-off regarding storage and sale of illicit wine, the police conducted raid near Daulatganj Badi Mandi situated at Daulatganj Pakka Ghat. However, noticing the police party, six persons who were assembled there managed to escape away taking advantage of darkness. The nearby villagers

WEB COPY

disclosed the name of the petitioners along with others. In course of search, total 11.875 liters of Indian Made Foreign Liquor was recovered.

4. Learned Advocate for the petitioners, referring to the FIR, vehemently contended that the very identification of the petitioners appears to be unfounded and doubtful, inasmuch as the FIR does not disclose the names of the persons who allegedly identified them. Moreover, the witnesses to the search and seizure are none else but the police personnel, and as such, the *mala fide* is writ large. The alleged recovery had been made from an open place easily accessible to the general public and, as such, in the aforesaid facts and circumstances, the statutory bar envisaged under Section 76(2) of the Excise Act would not be attracted. Moreover, The petitioners bear fair antecedent, and undertake that they will fully cooperate in the proceedings of the court.

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

6. Considering the rival submissions advanced by learned Advocates for the respective parties, and taking note of the doubtful identification of the petitioners, besides their fair antecedent and the lack of materials which attract the rigors to

WEB COPY

maintain the anticipatory bail, as well as the discrepancies pointed out while carrying out the search and seizure, 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 1st Special Judge Excise, Saran at Chapra in connection with Bhagwan Bazar/B. Bazar P.S. Case No.540 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)

rohit/-

U		T	

WEB COPY