IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80673 of 2026

CNR No. BRHC011127722026

Arising Out of PS. Case No.-323 Year-2026 Thana- TARAIYA District- Saran

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Upendra Rai @ Upendar Ray Son of Late Jamadar Ray Resident of Village-Chanchaliya, P.S.- Taraiya, District- Saran at Chapra

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 25-11-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. 2. The petitioner is apprehending his arrest in connection with Taraiya P.S. Case No. 323 of 2026 dated 27.07.2026 registered for the offence punishable under Section/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, the police has recovered total 754 liters of illicit spirit liquor from the sugarcane field of one Shyam Kishor Singh. The police has also recovered a motorcycle bearing Regd. No. BR-29AK-0974.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the instant case. It is next submitted that the recovery of alleged liquor has been made from the sugarcane field of one Shyam Kishor Singh, which is an open place and, on the information

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given by the co-accused, who is said to have been apprehended from the place of seizure, the name of the petitioner has surfaced in this case and, accordingly, the petitioner has been roped in the instant case. Lastly, it is submitted that the petitioner is a person of clean antecedent and is ready to cooperate with the investigation.

5. Learned APP for the State opposes the prayer for grant of anticipatory bail.

6. Having heard learned counsel for the parties and considering that nothing incriminating has been recovered from the conscious possession of the petitioner rather the alleged liquor has been recovered from the sugarcane field of one Shyam Kishor Singh, which is an open place and accessible one all and, as also, the fact that the petitioner is a person of clean antecedent, let the petitioner, above named, be released on anticipatory bail in the event of his arrest or surrender before the court below within a period of six weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Exclusive Special Excise Judge, Saran at Chapra in connection with Taraiya P.S. Case No. 323 of 2026, subject to the condition as laid down under Section 482(2) of the B.N.S.S.

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as well as the following conditions:

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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