

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84541 of 2024

Arising Out of PS. Case No.-2461 Year-2024 Thana- Excise P.S. District- Patna

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Birendra Ray S/O Gouri Prasad Resident of Village - Lal Pokhar Dighi
Hazipur, Police Station- Sadar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Adv.
For the Opposite Party/s : Mr.Nand Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Excise
(Prohibition) P.S. Case No. 2461 of 2024 instituted for the
offences under Section 30(a)/56(b) of the Bihar Prohibition and
Excise Act, 2016 (Amended Act-2022).

3. As per prosecution case, the police has recovered
total 259.200 liters illicit foreign liquor from Pickup vehicle
bearing Rdgd. No. BR-06GE-0216. The police has also
recovered 291.720 liters illicit foreign liquor from the pick-up
van bearing Regd. No. BR-01GN-8007.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is the driver of the alleged vehicle bearing Regd. No. BR-01GN-8007 and had no knowledge of the illicit liquor being kept in the vehicle. The petitioner has no concern with the recovered liquor or the seized vehicles. The petitioner has also no concern with the co-accused person who are engaged in the business of liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 21.10.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned



Court in connection with Excise (Prohibition) P.S. Case No.
2461 of 2024.

(Rudra Prakash Mishra, J)

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