

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7088 of 2025

Arising Out of PS. Case No.-382 Year-2024 Thana- EXCISE MADHUBAN District- East
Champaran

Binod Ram S/O Prabhu Ram R/o village - Bardiya P.S.-Chakiya, District-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar II, Adv.
For the Opposite Party/s : Ms.Rita Verma, APP

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

ORAL ORDER

2 13-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Excise
(Madhuban) P.S. Case No. 382 of 2024 instituted for the
offences under Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

3. As per prosecution case, the police has recovered
total 26 liters of illicit liquor. It is alleged that out of total 26
liters of illicit liquor, 25 liters were recovered from the gallon of
the petitioner. The petitioner was arrested on the spot.

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



on the basis of secret information. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. He further submits that the petitioner has no concern with the alleged land, hut or the recovered wine. 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 four criminal antecedents and, in all of them, he is on bail. The petitioner is languishing in judicial custody since 17.11.2024 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, stating that the petitioner has four criminal antecedents of similar nature of offence.

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, 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 (Madhuban) P.S. Case No. 382 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family



members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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