

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3665 of 2025

Arising Out of PS. Case No.-778 Year-2024 Thana- Excise P.S. District- East Champaran

Rajan kumar @ Ranjan Kumar @ Rajan Sah, aged about 34 years (M), S/o
Bhola Sah, R/o vill - Daroga Tola, P.S. - Banjariya, Distt. - East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Abhishek Kumar, Advocate and Mr. Hemant Ray, Advocate
For the Opposite Party	:	Mrs. Asha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 27-03-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Excise P.S. Case No. 778 of 2024 dated 04.05.2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 50 litres of country made liquor is said to have been recovered from the Apache Motorcycle.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. He is not named in the F.I.R. His name has surfaced in the present case as he is the owner of the motorcycle



in question. The petitioner has given his motorcycle to his co-villager for his personal use. He had no knowledge about the alleged offence. No incriminating article has been recovered from his possession. There is no compliance of Section 100 of the Cr.P.C. It is also relevant to mention here that the petitioner was earlier granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 48262 of 2024 under order dated 23.07.2024, annexed as Annexure-1 to the present bail petition but the petitioner could not surrender within time as stated in paragraph no. 2 of the present bail petition. The petitioner has four criminal antecedents and in three cases he is on bail as stated in paragraph no. 2 of the supplementary affidavit filed on behalf of the petitioner. The petitioner is in custody in this case since 19.11.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well the period of custody, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.-2, Motihari, East Champaran in



connection with Excise P.S. Case No. 778 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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