

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8900 of 2025

Arising Out of PS. Case No.-664 Year-2022 Thana- SAHPUR District- Patna

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Bittu Rai @ Ved Prakash Rai S/O Late Awdhesh Rai @ Awdhesh Prasad R/O
vill.- Ganghara (Devchand bhagat ka tola), P.S- Shahpur, dist.- Patna
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Advocate
For the Opposite Party/s : Md. Fahimuddin, APP

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

ORAL ORDER

2 18-02-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Special Excise PS Case No. 2399 of 2022, arising out of

Shahpur PS Case No. 664 of 2022 instituted for the offences

under Sections 30(a) and 41 of the Bihar Prohibition and

Excise Act.

3. The prosecution case, in short, is that total 60

litres of country made liquor was recovered from western

side of Ganga Diara.

4. Learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in

the present case. No incriminating material has been



recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. It is submitted that recovery is made from an open place, which is accessible to one and all. It is further submitted that the name of the petitioner has transpired on secret information. The petitioner is in custody since 26.10.2024 and has got five criminal antecedents . There is no compliance of Section 103 of B.N.S.S.

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

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Special Excise Case No. 2399 of 2022 arising out of Shahpur PS Case No. 664 of 2022, subject to the following conditions:

(I) One of the bailors shall be own/close member of



the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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