

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9552 of 2025

Arising Out of PS. Case No.-162 Year-2023 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
		Ms. Pampy Kumari, Advocate
For the State	:	Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 14-02-2025 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks bail in connection with Special
Case No. 451 of 2023, arising out of Shahpur P. S. Case No. 162
of 2023 dated 03.03.2023, registered for the offences punishable
under Sections 30(a) and 41 of the Bihar Prohibition and Excise
Act.

3. As per allegation, 190 litres of illicit country made
liquor, huge amount of raw material and one motor-cycle were
recovered from western diyara of river Ganga.

4. Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that nothing has been recovered from



the conscious possession of the petitioner. He also submits that search and seizure has not been made as per the procedure as prescribed under Cr.P.C. He also submits that similarly situated co-accused namely, Sudish Ram has been granted regular bail by this Court vide order dated 19.05.2023 passed in Cr. Misc. 30633 of 2023. He further submits that the petitioner has been languishing in jail since 26.10.2024.

5. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has five criminal antecedents.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

8. Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Special Judge, Excise, Danapur, Patna, in connection with Special Case No. 451 of 2023, arising out of Shahpur P. S. Case No. 162 of 2023, on the following conditions:



(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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