

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11080 of 2025

Arising Out of PS. Case No.-171 Year-2018 Thana- NADI P.S. District- Patna

Arvind Rai @ Arvind Ray S/o Lal Bahadur Rai Resident of Fateganjpur, PS-
Nadi, District- Patna (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nikhil Kumar Singh, Adv.

For the Opposite Party/s : Ms.Nirmala Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-02-2025 Heard the learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail in connection with Nadi
P.S. Case No. 171 of 2018, registered for the offence
punishable under Sections 30(a) and 38(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2016.

3. The allegation is regarding recovery of huge quantity of
illicit liquor from a truck from which the illicit liquor was being
unloaded by 15-20 labourers and was being kept on a boat. The
police force had reached at the spot, conducted a raid and
arrested one co-accused person, namely, Ranjan Das, as also
had seized the illicit liquor.

4. The learned counsel for the petitioner has submitted that
the petitioner is innocent and he has been falsely implicated in



the present case. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in three other cases, but he is on bail in all the said three cases. It is further submitted that the name of the petitioner has transpired upon disclosure made by the co-accused person, namely Ranjan Das, who was arrested on the spot, nonetheless the fact remains that neither the petitioner was arrested from the spot nor any illicit liquor has been recovered from his possession muchless from his house nor the truck or the boat in question has been alleged to be belonging to the petitioner. It is further submitted that there is no material on record to suggest the complicity of the petitioner in the alleged occurrence and the petitioner is languishing in custody since 18.1.2025. Lastly, it is submitted that similarly situated co-accused persons have already been granted the privilege of bail, one of such order being the one dated 14.12.2018, passed in Criminal Miscellaneous No. 74984 of 2018, hence, it is submitted that a sympathetic view be taken and the petitioner be granted the privilege of bail.

5. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for



the petitioner and taking into account the materials available on record, this Court finds that neither the petitioner was arrested from the spot nor illicit liquor has been recovered from his possession nor from his house and moreover, the truck in question has also not been alleged to be belonging to the petitioner and his name has transpired in the present case merely on the basis of confessional statement made by the co-accused person, namely, Ranjan Das, who was arrested from the spot. Thus, this Court finds that prima facie, minuscule evidence is available on record to connect the petitioner with the alleged crime, hence, I deem it fit and proper to admit the petitioner to the privilege of bail.

7. Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna City (Bihar), in connection with Nadi P.S. Case No. 171 of 2018.

(Mohit Kumar Shah, J)

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