

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10793 of 2025

Arising Out of PS. Case No.-2281 Year-2024 Thana- Excise P.S. District- East Champaran

Raushan Kumar S/O Jai Kishore Rai @ Jaykishor Ray Resident of village-
Majhaura, P.S.- Piprahi, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.

For the Opposite Party/s : Ms. Gulnar Begum, APP

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

ORAL ORDER

2 07-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Motihari Excise P.S. Case No. 2281 of 2024 instituted for the
offences under Section 30(a) of the Bihar Prohibition and
Excise (Amended) Act, 2016.

3. As per prosecution case, the police has recovered
total 54 liters of illicit Nepali Soufi liquor from the motorcycle.
It is also alleged that the police has also recovered 9 liters of
Nepali Soufi wine from one another person.

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. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. He further submits that the petitioner was the pillion rider and had no knowledge about the consignment of illicit liquor being kept in the bag. The petitioner is not the owner of the alleged motorcycle. The petitioner has also no concern with the illicit liquor. 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 no criminal antecedent and is languishing in judicial custody since 01.01.2025 without any rhyme 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.

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 and the petitioner having no criminal antecedent, 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 Motihari Excise P.S. Case No. 2281 of 2024.

(Rudra Prakash Mishra, J)

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