

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14943 of 2025

Arising Out of PS. Case No.-523 Year-2023 Thana- SITAMARHI District- Sitamarhi

Devendra Rai, S/o Late Mukhlal Rai, R/o and post-Bariyarpur Ward No. 37,
P.S. Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dwij Raj, Advocate

For the Opposite Party/s : Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-04-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner is named in F.I.R. and apprehending his arrest in connection with Sitamarhi P.S. Case No. 523 of 2023, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. Accused/petitioner implicated with present case being owner of the motorcycle, bearing registration no. BR30Q4831, which found involved in carrying of illicit liquor, total of 7.2 litres.

4. Learned counsel appearing on behalf of the petitioner submitted that implication of this petitioner appears with present case admittedly being owner of the motorcycle having registration



no. BR30Q4831, which found involved in carrying of alleged illicit liquor. It is submitted that the motorcycle which belongs to this petitioner provided to co-accused Kamleshwar Rai being a cousin brother but same was misused. It is pointed out that the involvement of motorcycle for carrying illicit liquor was not under the knowledge of this petitioner, who is a man of clean antecedent and, therefore, it can be safely gathered that recovery of illicit liquor was not made from conscious physical possession of this petitioner.

5. Learned APP opposed the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as recovery of illicit liquor *prima facie* not appears to be made from the conscious physical possession of this petitioner, who is a man of clean antecedent, coupled with the fact that implication of this petitioner appears *prima facie* being owner of the registered motorcycle only, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-II, Sitamarhi/concerned Court, where the case is pending in



connection with Sitamarhi P.S. Case No. 523 of 2023, subject to
the conditions as laid down under Section 438(2) of the
Cr.P.C./482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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