

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15860 of 2025

Arising Out of PS. Case No.-17 Year-2025 Thana- ARWAL District- Jehanabad

Vikash Kumar Son of Sunil Kumar Resident of Village- Pewata, P.S.- Ghoshi,
District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar, Adv.
For the Opposite Party/s : Ms.Asha Devi, 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 Arwal
P.S. Case No. 17 of 2025 instituted for the offences under
Sections 30(a), 41 of the Bihar Excise Prohibition and Excise
Act and Sections 338, 336(2), 340(2), 317(5), 3(5) of the
B.N.S., 2023.

3. As per prosecution case, the police has recovered
total 177 liters of illicit foreign liquor from two cars. The
petitioner was arrested on the spot.

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



due to highhandedness of the excise police. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged Brezza car and was also not boarded inside the same. He further submits that so far as Apple-12 mobile is concerned, the same belongs to his full brother and the another keypad mobile belongs to the petitioner. The SIM card inserted in both the aforesaid mobiles stand in the name of the petitioner. The petitioner has no concern with the recovered 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 one criminal antecedent and is languishing in judicial custody since 21.01.2025 without any rhymes 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. The police has recovered huge quantity of illicit liquor. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

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, 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 Arwal P.S. Case No. 17 of 2025, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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