

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22815 of 2025

Arising Out of PS. Case No.-51 Year-2025 Thana- Excise P.S. District- Samastipur

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1. Pankaj Kumar @ Pankaj Ray Son of Surydev Mahto Resident of Village - Chandopatti Rudouli, P.S. - Muffasil, at present Karpurigram, District - Samastipur
 2. Rajan Ray Son of Shiv Shanker Ray Resident of Village - Rahimpur Rudouli, Bikrampur Bande, P.S. - Muffasil, at present Karpurigram, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 03-07-2025 Heard learned counsel for the petitioners, learned APP for the State and perused the case diary.

2. The petitioners seek bail in connection with Sadar Excise P.S. Case No. 51 of 2025, instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 369 liters liquor was recovered from the field.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material have been recovered



from the conscious possession of the petitioners. The petitioners have got no concern with the alleged recovery of liquor. Learned counsel for the petitioners also submits that the alleged recovery has been made from an open place and the same is easily accessible to the public at large. The petitioners are in custody since 24.02.2025. Petitioner no. 1 has got eight criminal antecedents and petitioner no. 2 has got five criminal antecedents in which they are on bail in all cases. Learned counsel for the petitioners further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 24.03.2025 passed in Cr. Misc. No. 17404 of 2025. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail ***after framing of charge, if not already framed*** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Sadar Excise P.S.
Case No. 51 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of
the family of the petitioners.

(II) The petitioners shall appear on each and every
date fixed at the trial. In case of default in such appearance on
two consecutive dates, the Trial Court will have liberty to cancel
the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

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