

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23373 of 2025**

Arising Out of PS. Case No.-95 Year-2025 Thana- BUXAR MUFFSIL District- Buxar

Gautam Rai @ Aman Rai @ Gautam Kumar Rai Son of Umesh Rai @ Umesh  
Chandra Rai Resident of Village - Jalahra, P.S. - Rajpur, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Mayank Bilochan, Adv.

For the Opposite Party/s : Mr.Kanhiya Kishor, APP

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

ORAL ORDER

2      23-04-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Buxar  
(M) P.S. Case No. 95 of 2025 instituted for the offences under  
Section 30(a) of the Bihar Prohibition and Excise (Amendment)  
Act, 2022.

3. As per prosecution case, the police has recovered 72  
liters liquor from the Creta car whereas 360 liters liquor was  
recovered from a Truck. The police has also recovered two  
country-made pistols with two live cartridge from the Creta car.

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. The petitioner is neither owner nor driver of the said vehicle. The petitioner has also no concern with the seized 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 two criminal antecedents and is languishing in judicial custody since 04.03.2025 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused persons have been granted bail by this Court vide order dated 03.04.2025 passed in Cr. Misc. No. 20184 of 2025.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. 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 Buxar (M) P.S. Case No. 95 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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