

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28304 of 2025

Arising Out of PS. Case No.-52 Year-2025 Thana- Excise P.S. District- Samastipur

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1. Raju Kumar son of Bhola Ray R/O-Jitwarpur Nizamat PS- Muffasil, District- Samastipur
 2. Vijay Kumar son of Kelash ray @ Kailash Ray R/O-Jitwarpur Nizamat PS- Muffasil, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Adv.

For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 05-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Excise
Sadar P.S. Case No. 52 of 2025 instituted for the offences under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, the police has recovered
total 86.04 liters of illicit foreign liquor from the E-rickshaw.
The petitioners were arrested on the spot.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have committed no offence as
alleged against them and have falsely been implicated in the
present case. The alleged E-rickshaw does not belong to the
petitioners. He further submits that nothing incriminating has
been recovered from the conscious possession of the petitioners.



The petitioners have 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 petitioners have no criminal antecedent and are languishing in judicial custody since 24.02.2025 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 petitioners.

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 petitioners and the petitioners having no criminal antecedent, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise Sadar P.S. Case No. 52 of 2025.

(Rudra Prakash Mishra, J)

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