

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28574 of 2025

Arising Out of PS. Case No.-157 Year-2023 Thana- CHACKMEHSI District- Samastipur

Ram Bahadur Rai @ Rai Bahadur Rai @ Bahadur Rai Son of Javahar Ray
Resident of Village- Namapur Khedhi, P.S.- Chakmehsi, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar, Adv.

For the Opposite Party/s : Ms.Meena Singh, APP

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

ORAL ORDER

2 30-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Chakmehsi P.S. Case No. 157 of 2023 instituted for the
offences under Section 30(a) of the Bihar Prohibition and Excise
Act.

3. As per prosecution case, the police has recovered
total 284 liters of illicit foreign liquor from two motorcycles and
a pick-up vehicle.

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
on the basis of the confessional statement of the arrested persons



recorded under duress which has no evidentiary value in the eye of law. The petitioner has no concern either with the pick-up van or the seized motorcycles. The petitioner is also neither owner nor driver of the seized pick-up van or the alleged motorcycles. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has 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 five criminal antecedents and, in all of them, he is on bail and is languishing in judicial custody since 21.03.2025 without any rhyme or reason.

5. Learned counsel for the petitioner again submits that the prayer for anticipatory bail of the co-accused namely Ram Bahadur Rai @ Rai Bahadur Rai has already been rejected by this Court vide order dated 26.06.2024 passed in Cr. Misc. No. 41758 of 2024.

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, *after framing of charge if not already framed*, 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 Chakmehsi P.S. Case No. 157 of 2023, 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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