

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30307 of 2025

Arising Out of PS. Case No.-155 Year-2024 Thana- MOHANPUR District- Samastipur

Vijay Kumar Rai @ Vijay Kumar Yadav Son of Mishri Ray Village-
Hardaspur Haal, Mukum Mohanpur, Pattharghat Mohanpur, PO and PS
-Shahpur Patori Distt -Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Prabhat, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-05-2025 Heard Mr. Rakesh Prabhat, learned counsel
appearing on behalf of the petitioner and Mr. Kumar Ranjit
Ranjan, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Mohanpur (Samastipur) P.S. Case No. 155 of 2024
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. As per the allegation made in the F.I.R., 120 litres
of country made liquor was recovered from two jute sacks
loaded on a motorcycle bearing Registration No. BR33AD9878.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner is innocent. He has three
criminal antecedents and just because he is the owner of the
motorcycle from which liquor is said to have been recovered,



the petitioner has been falsely implicated in the case. Petitioner was not present at the place of occurrence and only Dhananjay Kumar @ Jhota was found to be fleeing from the place of occurrence.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. I find that the Investigating Officer must report to the learned District Court that how many motorcycles are there in the family of the petitioner, in what manner, the motorcycles are used, whether any of the motorcycles has been engaged in such liquor trade.

7. In the present case, petitioner claims to be innocent and he was not present at the time of alleged seizure. In case, it is found that the other motorcycles, if any, is registered in the name of any of the family member of the petitioner, then in that case, to implement the prohibition in the State of Bihar, in its true spirit, learned District Court based on the report submitted by the investigating officer, if finds that the other motorcycles are not engaged in alleged illicit trade of liquor and are not subject matter of any F.I.R., then the petitioner, above named, be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from



today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-II, Excise, Samastipur in connection with Mohanpur (Samstipur) P.S. Case No. 155 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

9. The bail application stands disposed of.

(Purnendu Singh, J)

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