

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31445 of 2025

Arising Out of PS. Case No.-378 Year-2024 Thana- DHANARUA District- Patna

Vikash Kumar @ Vikash Chaudhary Son of Sri Jagdish Chaudhary R/v-
Akauna, P.S.- Dhanarua, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Kanhiya Kishor

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

ORAL ORDER

2 13-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with P.S.
Case No. 378 of 2024 instituted for the offences under Section
30(a) of the Bihar Prohibition and Excise Act and Sections 338,
336(3) of the B.N.S. Act.

3. As per prosecution case, the police has recovered
total 224.250 liters of illicit foreign liquor from the 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.
The petitioner was neither arrested on the spot nor anything
incriminating has been recovered from his conscious possession.



The name of the petitioner has transpired in this case on the basis of the confessional statement of the co-accused Happy Singh which has no evidentiary value in the eye of law. The petitioner was arrested in connection with Dhanarua P.S. Case No. 44 of 2025 and, thereafter, the petitioner was remanded in this case on 27.03.2025 and, since, then, he is in custody. The petitioner has no concern with the seized liquor. The petitioner is not the owner of any of the alleged vehicle. 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 three criminal antecedents and is languishing in judicial custody since 27.03.2025 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 petitioner.

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 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 P.S. Case No. 378 of 2024, 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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