

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32492 of 2025

Arising Out of PS. Case No.-214 Year-2023 Thana- VISHAMBHARPUR District- Gopalganj

Rakesh Rai S/o Late Suneshwar Rai @ Late Suneshwar Singh Resident of
Village-Baraipatti, Police Station- Jadopur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Mili Kumari, Advocate

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

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Amendment Act, 2022.

3. Perusal of the first information report and the
seizure list, would go to show that 270 liters of country made
liquor liquor is said to have been recovered from two
motorcycles, bearing Registration No.BR28T 0377 and BR28S
6986 respectively. The accused persons, however, managed to
flee away from the place of occurrence leaving the motorcycle.

4. It is submitted by learned counsel for the petitioner that the
petitioner is no way concerned with the said seizure or the
seized motorcycles as neither of them belonged to the petitioner.



As a matter of fact, the name of the petitioner has surfaced in the present case on disclosure made by some local villagers and spy. There is no recovery from the conscious or physical possession of the petitioner. The petitioner has been made accused in this case on account of the fact that he has criminal antecedents of similar nature of the offence. Petitioner has been languishing in custody since 25.02.2025.

5. Learned APP for the State opposes the prayer for bail on the ground that petitioner has eight criminal antecedents of similar nature of the offence. To which, learned counsel for the petitioner submits that the petitioner is on bail in seven out of eight cases.

6. Taking into consideration the fact and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Vishambharpur P.S. Case 214 of 2023, subject to the further condition that:

(i) The petitioner shall cooperate in the investigation/trial.



(ii) The one of the bailors will be a family member/close relative.

(iii) The petitioner would appear before the learned Court below on each and every date till the charges are framed.

(iii) The court below shall verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

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