

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33064 of 2025

Arising Out of PS. Case No.-51 Year-2025 Thana- EXCISE PUPRI District- Sitamarhi

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Rakesh Kumar S/O Parikshan Sah @ Sonu Mahto R/O Punaura Purvi, P.S.-
Punaura, District- Sitamarhi. Presently Janki Sthan, Sitamarhi, Ward no. 7,
P.s.- Nagar, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 26-05-2025 Heard Learned counsel for the petitioner and Learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Excise (Pupri Prohibition P.S.) Case No. 51 of 2025 lodged on
04.02.2025, for the offence punishable under Sections 30(a) &
32(c) of the Bihar Prohibition and Excise (Amendment) Act,
2018.

3. As per the FIR, the recovery of 360 litres of *nepali*
liquor was made from a tempo and the petitioner was arrested
from the spot alleging him to be the driver of the said tempo.

4. Learned counsel for the petitioner submits that as a
matter of fact, the petitioner is neither owner nor the driver of
the tempo and he has been taken into custody only on the basis
of suspicion since, he was present at the place of occurrence.



Learned counsel further submits that there is no recovery from the physical or conscious possession of the petitioner and there is no independent witness to the seizure list. Further, charge-sheet has already been submitted in this case. It has been further submitted that the petitioner who has no criminal antecedent, is in custody since 05.02.2025.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Considering the present facts and circumstances of the case, let the above named petitioner, 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 learned court below where the case is pending/Successor court, in connection with Excise (Pupri Prohibition P.S.) Case No. 51 of 2025, subject to the further conditions that:-

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

(ii) 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.

(iv) 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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