

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33627 of 2025

Arising Out of PS. Case No.-50 Year-2025 Thana- EXCISE MASAUDHI District- Patna

Rahul Kumar S/O Sudhir Prasad @ Sudhir Kumar R/O Ansari, P.s.-
Gaurichak, Dist.- Patna. At Present R/O Shekhpura, P.s.- Ramkrishna nagar,
Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 28-05-2025 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Excise (Masaurhi) P.S. Case No.50 of 2025, registered for the
offences punishable under Sections 30(a), 32(3) and 56(b) of
Bihar Prohibition and Excise Act. Petitioner has clean
antecedent.

3. As per the prosecution case, information was
received by the informant that one person coming from
Alawalur has kept huge quantity of liquor, a tempo was
intercepted from which 480 liters of country-made liquor was
recovered and the apprehended person disclosed his name as
Rahul Kumar (petitioner).



4. The learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that he was neither the owner nor the driver of the tempo and he was merely a passerby and has falsely been implicated by the police. It has further been submitted that there was no independent witness for the said seizure and admittedly the said liquor was kept on the tempo without any intent to conceal the same. It has lastly been submitted that the petitioner carries clean antecedent and is in custody since 03.02.2024.

5. The learned A.P.P. for the State has opposed the prayer for bail.

6. Considering the aforesaid submissions made by the parties and taking into account that the petitioner has clean antecedent and he was not the owner, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned Special Judge Excise II, Patna, in connection with Excise (Masaurhi) P.S. Case No. 50 of 2025, subject to the



following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage 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, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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