

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34099 of 2025

Arising Out of PS. Case No.-109 Year-2025 Thana- CHIRAIYA District- East Champaran

Raushan Kumar S/o Hari Rai Resident of village - Akauna, P.s.- Chiraiya,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Adv.

For the Opposite Party/s : Mr.Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-06-2025 Heard Learned Counsel for the petitioner and
Learned A.P.P. for the State.

2. The present Criminal Miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as “the BNSS”) for seeking regular bail in connection with Chiraiya P.S. Case No.109 of 2025 lodged on 09.03.2025 under Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Amendment Act, 2022 read with Section 317(5) of the BNS.

3. As per the prosecution, the total recovery of 160 litres of *illicit* liquor have been alleged to be made from a motorcycle, which is the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel



also submits that nothing has been recovered from conscious possession of the petitioner. He further submits that petitioner is not owner of the said motorcycle and under wrong impression, his name has been taken by the apprehended person.

5. Learned Counsel further submits that petitioner is in custody since 09.03.2025 having clean antecedent. He further submits that the petitioner is ready to fulfill all the condition whatsoever shall be imposed upon him.

6. Learned counsel for the State opposes the prayer for bail and submits that the petitioner's antecedent is clean.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) as mentioned in Section 2(1) (d) of the BNSS, 2023 to the satisfaction of Exclusive Special Excise Court No.01, East Champaran, Motihari in connection with Chiraiya P.S. Case No.109 of 2025, subject to the following conditions as laid down under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the following conditions:-

(i) one of the bailor should be the close relative of the petitioner who shall provide official document to show his *bona fide*.



(ii) Another bailor shall be a person who sworn the affidavit on behalf of the petitioner before this Court, namely, Hari Ray (father of the petitioner) S/o of Badari Ray, Village-Akauna, P.S.- Chiraiya, Aadhar Card No.7612 9623 7060.

(Dr. Anshuman, J.)

Prakashmani/-

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