

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39679 of 2025

Arising Out of PS. Case No.-323 Year-2025 Thana- Excise P.S. District- Patna

Jitendra Kumar Son of Late Nanhak Rai @ Nanhak Roy R/O- Kauakho, Ward
No.- 59, P.S.- Chowk, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 24-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Excise
P.S. Case No. 323 of 2025 instituted for the offences under
Sections 30(a) and 50(B) of the Bihar Prohibition and Excise
(Amendment) Act.

3. As per prosecution case, the police has recovered
total 60 liters of illicit country-made liquor from Scooty. The
petitioner was arrested on the spot.

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.
He further submits that nothing incriminating has been
recovered from the conscious possession of the petitioner. The
petitioner has no concern with the seized liquor. The petitioner



is not the owner of the alleged seized vehicle and was acting under the instructions of the employer and was not aware of the contents of the material loaded in the same. 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 no criminal antecedent and is languishing in judicial custody since 03.03.2025 without any rhyme 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 and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail 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 Excise P.S. Case No. 323 of 2025.

(Rudra Prakash Mishra, J)

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