

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38698 of 2025

Arising Out of PS. Case No.-147 Year-2025 Thana- EXCISE MASAUDHI District- Patna

Rajesh Kumar Son of Tulsi Prasad R/O Village- Parsa Bazar, P.S.- Parsa
Bazar, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Upendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 23-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Masaurhi (Excise) P.S. Case No. 147 of 2025 instituted for
the offences under Sections 30(a), 32(3), 56(b) of the Bihar
Prohibition and Excise Act, 2018.

3. As per prosecution case, the police has recovered
total 150 liters of illicit country-made liquor from the Auto.
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 neither driver nor owner of the alleged Tempo rather was only a passenger of the same and had no knowledge about the illicit liquor being kept in the alleged Tempo. 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 06.04.2025 without any rhymes 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 Masaurhi (Excise)
P.S. Case No. 147 of 2025.

(Rudra Prakash Mishra, J)

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