

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35398 of 2025

Arising Out of PS. Case No.-217 Year-2021 Thana- WARISNAGAR District- Samastipur

Laxman Rai @ Laxman Ray, S/o Late Shivji Ray, R/o Vill - Chakjaphar, PS-
Warisnagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niraj Lochan Jha, Advocate

For the Opposite Party/s: Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 03-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in a case instituted for the offences under Section 30(a) of the Bihar Prohibition and Ex-cise Act, 2016. He has no criminal antecedent.

3. As per the prosecution case, the police on secret information that illegal liquor is being transported by accused persons namely Arjun Rai and Laxman Rai (Petitioner) conducted a raid. It is further alleged that the police team intercepted a suspicious pickup vehicle and the driver fled away and on search total 909 litres of "Royal Player" foreign liquor was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case without any incriminating material against him. It is further



submitted by learned counsel for the petitioner that no incriminating article has been recovered from his possession and he is neither owner of the pickup van nor of the recovered liquor. It is also submitted by learned counsel for the petitioner that it was at the behest of some co-villagers his name has been given in this case. It is lastly submitted by learned counsel for the petitioner that admittedly pickup van was intercepted at different village and he carries clean antecedent and is in custody since 03.05.2025.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid submissions of the parties and also considering the period of custody of the petitioner, the petitioner above named, is directed to be released 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 the learned Special Judge, Excise Court-II/Court concerned, Samastipur in connection with Warisnagar P.S. Case No. 217 of 2021, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain



present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(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 canceled by the Court concerned.

(iv) If any subsequent case of similar nature is lodged against the petitioner, the prosecution shall be at liberty to approach the learned Court below for cancellation of bail of the petitioner.

(v) And further condition that the 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 the same or in the name of verification.



7. It is made clear that the observations, if any,
made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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