

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39862 of 2025

Arising Out of PS. Case No.-117 Year-2021 Thana- BALIYA District- Begusarai

Radhe Shyam Kumar, S/o Virendra Singh @ Birendra Singh @ Late Virendra Singh @ Late Birendra Singh R/o Village- Paschmi Dafarpur, Ward No. 05, P.S.- Nowkothi, District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sandip Kumar Gautam, Advocate
For the State : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 09-07-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Ballia (Balliya) P.S. Case No.117 of 2021, dated-05.05.2021 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per allegation, 1215 litres of illicit liquor has been recovered from the PCC roadside near the makeshift house of the co-accused, Roshan Rai and as per the further case of the police, one out of the two motorcycles, belonging to the petitioner was standing there.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this



case. He further submits that the motorcycles of the petitioner was seized without any legal basis and he has been named as a co-accused in this case. There is no even principle against any role played by the petitioner in the alleged offence. It is nothing but misuse of the Excise Act, and no case is made out as per the material on record.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Ballia (Balliya) P.S. Case No.117 of 2021, subject to the



conditions as laid down under Section 482 (2) of the B.N.S.S.,
2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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