

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38647 of 2025

Arising Out of PS. Case No.-78 Year-2025 Thana- KHAIRA District- Jamui

Niraj Kumar S/O Narendra Sah R/O Village- Utapathar, P.S.- Garhi, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Devika Rani, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 25-06-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Khaira PS Case No. 78 of 2025 dated 07-03-2025, instituted under Sections 30(a) and 32 of the Bihar Prohibition and Excise Act, 2022.

3. The allegation is of recovery of 54 litres of illicit foreign liquor from an E- rickshaw.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. It is submitted that the driver of the E-rickshaw, who was apprehended at the spot, disclosed the petitioner's name and stated that the illicit liquor belonged to him, and on that basis, the petitioner has been made as an accused in the



present case. The petitioner has no concern with the seized illicit liquor. Further submission is that the petitioner is not the owner of the said seized E-rickshaw. Lastly, it is submitted that one criminal case is pending against the petitioner, in which he is on bail.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Excise Court No-1, Jamui in Khaira PS Case No. 78 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita 2023 and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if



the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail .

7. The application stands allowed.

(Khatim Reza, J)

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