

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50748 of 2025

Arising Out of PS. Case No.-67 Year-2019 Thana- NADI P.S. District- Patna

Ram Babu Rai @ Ram Babu Roy, Son of Late Binda Rai @ Late Harvansh Ray, R/o - Jethuli, P.S.- Nadi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhimanyu Deo, Adv.

For the Opposite Party/s : Mr. Pradeep Narain Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-08-2025 Heard learned Advocate appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Nadi P.S. Case No. 67 of 2019, registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case and the seizure list total 34.56 liters Indian made foreign liquor was recovered from the semi-constructed house of the petitioner, besides the recovery of huge illicit wine from different places.

4. Learned Advocate appearing on behalf of the petitioner taking this Court through the FIR contended that admittedly the alleged recovery has been made from a semi-



constructed house which was kept abandoned and since the petitioner had been working at different place, he was not aware as to whether any person has mischievously concealed any incriminating or illicit liquor therein without the permission of the petitioner. Having come to know about the implication of the petitioner in the present case, the petitioner rushed to the Court below, however, the prayer of the petitioner has been negated, hence the present application. Learned Advocate for the petitioner further contended that even during the course of investigation, till date, no material has come which suggest the connection of the petitioner with the recovered illicit liquor. This fact also fortified taking into consideration the fair antecedent of the petitioner.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that apart from the recovery from the semi-constructed house of the petitioner, the case is of 2019 and the petitioner has been evading his arrest for the last 5 years.

6. Having considered the submissions set forth by learned Advocate for the respective parties and taking note of the fact that the alleged recovery has been made from a semi-constructed house which was kept abandoned and no one has



seen the petitioner nearby the place of occurrence, apart from the fact no cogent material has surfaced during the course of investigation suggesting the connection of the petitioner in the crime, as also his fair antecedent and the lack of materials which attract the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Patna city in connection with Nadi P.S. Case No. 67 of 2019, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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