

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49881 of 2025

Arising Out of PS. Case No.-69 Year-2020 Thana- RAGHOPUR District- Vaishali

Jaikant Rai @ Jaykant Ray @ Jay Kant Ray S/o Sanjivan Rai @ Munni Lal Rai R/o Village- Sukumarpur, P.S.- Rustampur, District- Vaishali, At present resident of Village- Baglodan Gali, P.S.- Chowk, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 09-09-2025 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Raghapur PS Case No. 69 of 2020 instituted for the offences under Sections 414/34 of the Indian Penal Code and Sections 30(a)(d) & 41 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 60 liters country made liquor was recovered from three motorcycles.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. It is submitted



that recovery is made from the embankment of river, which is an open place, accessible to one and all. Learned counsel for the petitioner submits that none of the motorcycles belong to the petitioner. Petitioner was neither arrested from the spot nor there is any recovery from his conscious possession. The petitioner is in custody since 13-05-2024 and has got thirty-nine (39) criminal antecedents. There is no compliance of Section 103 of the BNSS, 2023. Other co-accused has been granted bail by this Court vide order dated 28-04-2025, passed in Cr. Misc. No. 26477 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Raghapur PS Case No. 69 of 2020, subject to the following conditions:

(I) One of the bailors shall be own/close member of the



family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(IV) If the petitioner is found indulged in any criminal activity or commission of any crime after being released on bail, the prosecution will be at liberty to file an appropriate application before the court below for cancellation of his bail.

(V) The petitioner shall not leave the territorial jurisdiction of the Court below without its prior permission.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

