

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50231 of 2025

Arising Out of PS. Case No.-478 Year-2024 Thana- PATNA CITY CHOWK District- Patna

Jaikant Rai @ Jaykant Ray @ Jay Kant Ray, S/o Sanjivan Rai @ Munni Lal Rai, (Male), aged about 52 years, R/o Village- Sukumarpur, P.S.- Raghapur, District- Vaishali, at present resident of Village- Baglodan Gali, P.S.- Chowk, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Pramod Kumar, Advocate
For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 07-08-2025 Heard learned counsel for the petitioner and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Special Case No. 53 of 2025 (P.T.N. 1755 of 2024), arising out of Chowk P.S. Case No. 478 of 2024, dated 10.10.2024, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 59.5 litres of illicit foreign cane beer and 15 litres of illicit country-made liquor was recovered from the plastic bag kept near the house of the petitioner.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged offence. The petitioner was not arrested on the spot. His name has come in the present case on the basis of the confessional statement of the co-accused Sahil Kumar @ Saheel Kumar which has got no evidentiary value in the eyes of law. There is no statutory compliance of Section 100(3) of the B.N.S.S, 2023. The other co-accused person, namely, Sahil Kumar @ Saheel Kumar has already been granted bail by a Bench of this Court in Cr. Misc. No. 3445 of 2025 vide order dated 24.02.2025. The petitioner has thirty nine (39) criminal antecedents and in thirty four (34) cases, he is on bail as stated in para 2 of the supplementary affidavit filed on behalf of the petitioner. The petitioner is in custody since 02.06.2025.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned Exclusive Special Court of Excise, Patna City, in connection with Special Case No. 53 of 2025 (P.T.N.) 1755 of 2024), arising out of Chowk P.S. Case No. 478 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

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(Chandra Prakash Singh, J)

