

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54760 of 2025

Arising Out of PS. Case No.-80 Year-2025 Thana- DIGHA District- Patna

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Brij Bihari Rai S/o Late Parshuram Rai R/o Abhyoday Nagar, Ghurdaur,
Road, PS- Rajeev Nagar, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 08-08-2025 Heard Mr. Binod Kumar Singh, learned counsel
for the petitioner and Mr. Choubey Jawahar, learned APP for the
State.

2. The petitioner apprehends arrest in connection with
Digha P.S. Case No. 80 of 2025, registered under Sections
30(a), 32 and 41(1) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 526.92 liters
liquor was recovered from Bolero car and pick-up vehicle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner has got no concern with the alleged
recovery of liquor. Learned counsel for the petitioner also
submits that the petitioner was not present at the place of
occurrence. It is alleged that the petitioner is owner of the plot
form where the alleged recovery has been made but neither the



petitioner nor any member of his family ever had any title or possession over the land in question. Learned counsel for the petitioner, therefore, contends that *prima-facie*, no case is made out against the petitioner. The petitioner has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 28.03.2025 passed in Cr. Misc. No. 18342 of 2025. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, above named in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Digha P.S. Case No. 80 of 2025, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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