

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64263 of 2025

Arising Out of PS. Case No.-161 Year-2025 Thana- SONEPUR District- Saran

Binod Rai @ Kalu Rai @ Kallu @ Kalu Son of Ramjee Rai @ Ramji Ray
Resident of Village - Rahimpur, Ps- Sonepur, Dist- Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Jharkhandi Upadhyay,APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-09-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Sonepur P.S. Case No. 161 of 2025 registered for the

offences under Sections 30(a) of Bihar Prohibition and Excise

Act.

3. The petitioner is not named in the F.I.R and in

custody since 18.07.2025.

4. The allegation against the petitioner is to have in

possession of 225 litres of illicit liquor and engaged in illegal

trading/manufacturing of illicit liquor.

5. Learned counsel appearing on behalf of the

petitioner submitted that name of petitioner transpired in this



case only on the basis of suspicion as raised by local chowkidar. It is submitted that illicit liquor was made from the river bed (Diyara), which is an open place easily accessible by general public and in view of same, it can be said safely that illicit liquor was not recovered from conscious physical possession of this petitioner.

6. While concluding argument, it is submitted that petitioner found involved in three cases of similar nature, where he is on bail in two cases. It is submitted that seizure list also appears not supported by independent witnesses rather by police personnel.

7. Learned APP appearing on behalf of the State, opposes the prayer for bail.

8. In view of the aforesaid factual submission and by taking note of the fact as the recovery of illicit liquor *prima facie* not appears to be made from conscious physical possession of this petitioner, coupled with the fact that petitioner remains in custody since 18.07.2025, accordingly, petitioner, above named, is directed to be released on bail in connection with Sonapur P.S. Case No. 161 of 2025 on



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand)
with two sureties of the like amount each to the satisfaction of
learned 2nd Exclusive Special Excise Judge, Saran at
Chapra/concerned court, subject to the conditions as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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