

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63579 of 2025

Arising Out of PS. Case No.-179 Year-2025 Thana- Excise Thana Hajipur District- Vaishali

Birju Kumar S/o- Late Biseshwar Ray @ Visheshwar Ray Village- Diwan
toke, W.No-6, Ps- Ganga Bridge, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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

ORAL ORDER

2 02-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Hajipur
Excise P.S. Case No. 179 of 2025, instituted for the offences
punishable under Sections 30(a),(b) (c) of the Bihar Prohibition
and Excise Act.

3. The prosecution case, in short, is that 70 liters
liquor was recovered from bank of river.

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. Learned counsel



for the petitioner also submits that the petitioner was not present at the place of occurrence. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused, namely, Dhiraj Kumar and the same has got no evidentiary value. It is next submitted that the alleged recovery has been made from an open place and the same is easily accessible to the public at large. The petitioner is in custody since 24.07.2025 and has got four criminal antecedents in which he is on bail in three cases. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 13.08.2025 passed in Cr. Misc. No. 54557 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 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 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 Hajipur Excise P.S.
Case No. 179 of 2025.

Rajorshi/-

(Rudra Prakash Mishra, J)

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