

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69084 of 2025

Arising Out of PS. Case No.-371 Year-2019 Thana- MALSALAMI District- Patna

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Arun Rai @ Arun Kumar Son of Sonfi Ray Resident of Village- Sidhi Ghat,
Purvi Nandgola Pirdamariya PS -Malsalami Dist -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Narsingh Tanti, A.P.P.

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

ORAL ORDER

3 15-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Malsalaimi P.S. Case No. 371 of 2019, instituted for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. The prosecution case, in short, is that 174 liters
country made liquor was recovered from Auto Rickshaw.

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. The petitioner
has not been arrested on the spot. The petitioner is in custody



since 28.07.2025 and has got five criminal antecedent. Learned counsel for the petitioner further submits that on 26.09.2024 petitioner was directed to release on anticipatory bail passed in Criminal Miscellaneous No. 69656 of 2024, but on verification of criminal antecedent he could not be released on bail. 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 Malsalaimi P.S. Case No. 371 of 2019, 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) It is made clear that the learned Trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner.

(Rudra Prakash Mishra, J)

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