

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68961 of 2025

Arising Out of PS. Case No.-50 Year-2025 Thana- Excise P.S. District- Muzaffarpur

Ram Ishwar Rai @ Ramesar Rai, aged about 40 years, Male, S/o Mahesh Rai
@ Mahesh Ray R/o Village - Talimpur, P.S - Minapur, District - Muzaffarpur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 08-10-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Excise PS. Case No. 50 of 2025 dated 10-01-2025, instituted
under Sections 30(a) and 32(3) of the Bihar Prohibition and
Excise Act.

3. The allegation is of recovery of 17.280 litres of
foreign liquor from a car bearing Registration No. BR-06DW-
3947 and 352.08 litres of foreign liquor from a tractor bearing
Registration No. BR-06GA-6845. It is further alleged that two
persons were apprehended at the spot and one of them, namely
Ritesh Kumar, disclosed the name of the petitioner, stating that
the said liquor was to be delivered to him.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the



present case. It is further submitted that the petitioner has been made an accused in the instant case only on the basis of the disclosure made by co-accused Ritesh Kumar. The further submission is that the petitioner is neither the owner nor the driver of the seized respective vehicles. Lastly, it is submitted that the petitioner has one criminal case pending against him.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No. II, Muzaffapur/ successor Court Muzaffarpur in Excise PS. Case No. 50 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita 2023 and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below, (ii) that one of the bailors will be his own blood relation, preferably father,



mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail and (v) that the petitioner will appear before the SHO of concerned PS in the first week of each month till the framing of charge in this case.

7. The application stands allowed.

(Khatim Reza, J)

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