

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70485 of 2025

Arising Out of PS. Case No.-477 Year-2021 Thana- SAHPUR District- Patna

Rahul Rai @ Rahul Kumar Son of Kamal Rai @ Kamal Ray R/o Devchandar
Bhagat Ke Tola, ,Ganghara, P.S. - Shahpur, Dist. - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vivekanand Singh, Adv.

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

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

ORAL ORDER

2 26-09-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Shahpur P.S. Case No. 477 of 2021, instituted for the

offences punishable under Sections 30(a), 30(c), 32(iii), 34,

36, 41 and 56 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 35 liters

spirit was recovered from the Community Center. It is also

alleged that the police has also recovered 85 liters of spirit

along with other articles from the house of Raju Rai.

4. Learned counsel for the petitioner submits that

the petitioner 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 is in custody since 23.08.2025 and has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 25.01.2024 passed in Cr. Misc. No. 1517 of 2024. There is no compliance of Section 100 of Cr.P.C. Co-accused Manish Kumar has also been granted bail by this Court dated 27.02.2024 passed in Cr. Misc. No. 12886 of 2024.

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, the period of custody undergone by the petitioner, the petitioner having no criminal antecedent as also the prayer for bail being based on parity, 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 Shahpur P.S. Case No. 477 of 2021.

(Rudra Prakash Mishra, J)

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