

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71145 of 2025

Arising Out of PS. Case No.-167 Year-2025 Thana- BUXAR District- Buxar

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Raja Khan @ Golu Khan S/o Mangru Khan @ Majahar Rain R/o Village-
Santi Nagar, P.S.- Buxar (Town), Dist.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

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

ORAL ORDER

2 08-10-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Buxar
(T) P.S. Case No. 167 of 2025, instituted for the offences
punishable under Sections 126(2), 109, 317(2), 111, 3(5) of the
Bharatiya Nyaya Sanhita, 2023, read with Section 27 of the
Arms Act and Section 30(a) of the Bihar Prohibition and Excise
Act.

3. The prosecution case, in short, is that the Excise
Inspector with police raided Rajghat where liquor was being
smuggled by boat from Uttar Pradesh, during which the accused
persons fired on the raiding party. On search, a Pulsar
motorcycle and 76.6 litres of liquor were recovered.



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 is not named in the FIR. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused, namely, Bittu Rajak and the same has got no evidentiary value. It is next submitted that the petitioner is neither owner nor driver of the boat or motorcycle. The petitioner is in custody since 29.08.2025 and has got four criminal antecedents in which he is on bail. Learned counsel for the petitioner further submits that other co-accused has been granted regular bail by this Court vide order dated 11.09.2025 passed in Cr. Misc. No. 41123 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 Buxar (T) P.S. Case No. 167 of 2025.

(Rudra Prakash Mishra, J)

Rajorshi/-

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