

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74511 of 2025

Arising Out of PS. Case No.-318 Year-2023 Thana- AWTARNAGAR District- Saran

Bijendra Ray @ Vijendra Ray @ Birendra Rai S/O Inar Rai R/O Village-
Balua, P.S.-Doriganj, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

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

ORAL ORDER

2 01-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has earlier moved before this Court with a prayer for anticipatory bail which was allowed with a condition to verify the criminal antecedent of the petitioner before accepting the bail bonds vide order dated 02.08.2024 passed by a Co-ordinate Bench of this Court in Cr. Misc. No. 52616 of 2024.

3. The petitioner seeks bail in connection with Awtar Nagar P.S. Case No. 318 of 2023 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

4. As per prosecution case, the police has recovered total 50 liters of illicit country-made liquor from the motorcycle.



5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner was not arrested on the place of occurrence and his name was disclosed by the local people. The petitioner is not the owner of the alleged vehicle. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has six criminal antecedents and is languishing in judicial custody since 13.09.2025 without any rhymes or reason.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, 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 Awtar Nagar P.S.



Case No. 318 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

