

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82150 of 2025

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

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Biteshwar Rai Son of Naresh Rai @ Naresh Ray Resident of Village - Purbi
Balua(Baluan), P.S. - Doriganj, District - Saran At Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv

For the Opposite Party/s : Mr. Ramesh Chandra, APP
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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 28-11-2025 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. However, on verification, more than one criminal antecedent was found against the petitioner hence, the bail bonds was not accepted.

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



4. The prosecution case, in short, is that 50 liters of illicit liquor was recovered from the motorcycle.

5. 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. It is submitted that the motorcycle in question does not belong to the petitioner. The petitioner is in custody since 18.10.2025 and has got two criminal antecedents. Learned counsel for the petitioner further submits that other co-accused has been granted bail by this Court vide order dated 01.11.2025 passed in Cr. Misc. No. 74511 of 2025. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. 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.

8. 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 Awtar Nagar P.S.



Case No. 318 of 2023.

(Rudra Prakash Mishra, J)

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