

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4394 of 2026

Arising Out of PS. Case No.-2461 Year-2025 Thana- Excise P.S. District- Patna

Biraj Kumar @ Brij Kumar S/o Ranju Ray R/o Mohalla - Marufganj
Patharghat, P.S.- Malsalami, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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

ORAL ORDER

2 28-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Patna Excise P.S. case
No. 2461 of 2025 instituted for the offences under Sections
30(a) 41 and 56(b) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 150 liters
liquor was recovered from Auto and the petitioner was arrested
on spot.

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. It is



further submitted that the petitioner was sitting as passenger in the vehicle and he had no knowledge regarding the nature of goods kept in vehicle. The petitioner is in custody since 22.10.2025 and has got no criminal antecedent. There is no compliance of Section 103 of B.N.S.S., 2023. Co-accused has been granted bail by this Bench vide Annexure-P/2 to this application.

5. Learned A.P.P. 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, clean antecedent 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/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Patna Excise P.S. case No. 2461 of 2025.

(Rudra Prakash Mishra, J)

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