

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5622 of 2026

Arising Out of PS. Case No.-162 Year-2025 Thana- BIBHUTIPUR District- Samastipur

Shri Fultun Ray @ Fultun Kumar @ Fultun Ray Son of Rambali Ray @
Rambali Yadav Resident of Village- Mahmadpur Sakra, P.S.- Bibhutipur,
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

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

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

ORAL ORDER

2 29-01-2026 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with
Bibhutipur P.S. Case No. 162 of 2025, instituted for the offences
punishable under Sections 274, 275 of the Bharatiya Nyaya
Sanhita, 2023 read with Section 30(a) of the Bihar Prohibition
and Excise Act.

3. Earlier, anticipatory bail of the petitioner has been
rejected by a co-ordinate Bench of this Court vide order dated
19.08.2025 passed in Cr. Misc. No. 48765 of 2025.

4. The prosecution case, in short, is that there is
recovery of 143.910 liters of liquor from Tata Sumo car.

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 also submitted that the petitioner is neither owner nor driver of the car in question. The petitioner was not arrested on spot. Name of the petitioner has transpired in this case on the basis of disclosure made by local chaukidar. The petitioner is in custody since 15.12.2025 and has got three criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Learned counsel for the petitioner further submits that other co-accused has been granted regular bail by this Court vide order dated 15.07.2025 passed in Cr. Misc. No. 44382 of 2025.

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 taking into account 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 Bibhutipur P.S. Case
No. 162 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of
the family of the petitioner.

(II) The petitioner shall appear on each and every date
fixed at the trial. In case of default in such appearance on two
consecutive dates, the Trial Court will have liberty to cancel the
bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Rajorshi/-

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