

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20759 of 2026

Arising Out of PS. Case No.-45 Year-2026 Thana- Excise P.S. District- Kaimur (Bhabua)

Binod Ray Son of Late Dina Nath Ray Resident of Village- Jamira, P.S.- Ara
Muffasil, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 02-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with
Bhabua Prohibition and Excise Thana F.I.R. No. and P.R. No. 45
of 2026 registered for the offence punishable under Sections
30(a), 32(i)(iii) and 41(i)(ii) of the Bihar Prohibition and Excise
Act.

3. The case of the prosecution, in short, is that
altogether 108 liters of illicit foreign liquor was recovered from a
Triber car.

4. Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has been falsely implicated in this case. He also
submits that petitioner is merely a driver he was driving the car on
the instruction of the owner. The petitioner was unaware of the



alleged liquor and recovery thereof. He further submits that nothing has been recovered from the possession of the petitioner. The witnesses of the seizure list are police personnel and the police has not complied with Section 105 of the BNSS while making the seizure. Moreover, the petitioner is languishing in judicial custody since 29.01.2026.

5. The application for bail is opposed by learned APP for the State and submits that the petitioner is having criminal antecedent of three cases of similar nature.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail **with the condition that the petitioner shall not indulge himself in similar nature of the offences in future.** The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-II, Kaimur in connection with Bhahua Prohibition and Excise Thana F.I.R. No. and P.R. No. 45 of 2026.

(Ashok Kumar Pandey, J)

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