

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29908 of 2026

Arising Out of PS. Case No.-137 Year-2026 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Vijay Rai @ Swaminath Brijbala @ Brijbala S/o Late Suresh Ray Resident of
Village- Dudhpura, Ward No 04, PS- Muffasil, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 07-05-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 30(a), 41(1)
41(2) of the Bihar Prohibition and Excise Act.

3. The case of the prosecution is that from a truck,
altogether 4924.8 liters of illicit liquor was recovered.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Learned
counsel for the petitioner has submitted that nothing has been
recovered from the possession of the petitioner. The name of
this petitioner has transpired on the basis of disclosure made by
local chowkidar. He is neither the owner nor the driver of the



said truck. He has no concern with the alleged recovery. There is no independent witness of the seizure list rather they are police personnel. Police has not followed Section 105 of BNSS while preparing the seizure list. Moreover, he is languishing in judicial custody since 05.04.2026.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

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. The above named petitioner is directed to be released on bail in connection with Mufassil P.S. Case No. 137 of 2026 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-II, Samastipur.

(Ashok Kumar Pandey, J)

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