

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38348 of 2026

Arising Out of PS. Case No.-157 Year-2020 Thana- KHAJEKALA District- Patna

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Gautam Kumar Rai @ Gautam Toofan Son of Ramvilash Rai Resident of
Village - Dullighat, Police Station- Khajekalan, District- Patna (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Khajekalan P.S. Case No. 157 of 2020 registered for the alleged offences under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, police received a tip off about petitioner and other co-accused persons transporting illicit liquor. A raid was conducted at the identified place but the miscreants fled away and from a handcart, recovery of 240 liters of country made liquor kept in six jute bags was made. Nearby persons disclosed the name of petitioner and others who fled away from the spot.

04. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his person or possession. Recovery is said to be made from a cart in an open place and the petitioner could not be fastened with the liability of said recovery. Co-accused Arvind Rai has been granted anticipatory bail by a learned Coordinate Bench of this Court vide order dated 29.05.2025 passed in Criminal Misc. No. 36687 of 2025 and the case of the petitioner stands on much better footing. The petitioner is a poor person and working as a daily wage labourer. Learned counsel further submits that the petitioner is having clean antecedent and is in custody since 17.04.2026.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the possession of the petitioner and further considering the period of custody of the petitioner and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of learned Exclusive Special Judge, Excise Act, Patna City/court concerned in connection with Khajekalan P.S. Case No. 157 of 2020, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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