

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77373 of 2025

Arising Out of PS. Case No.-349 Year-2025 Thana- BAKHTIYARPUR District- Patna

Awdhesh Rai @ Abdhesh Rai S/O Late Rameshwar Rai R/O Mahmadpur
Ranisarai, P.S.- Bakhtiyarpur ,Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-01-2026 Heard Mr. Rakesh Bihari Singh, learned counsel for
the petitioner and Mr. Kumar Ranjit Ranjan, learned Additional
Public Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since
22.07.2025 in connection with Bakhtiyarpur P.S. Case No. 349
of 2025, F.I.R. dated 21.07.2025 for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2016.

3. According to prosecution case, total 547 Kg. of
hemp was recovered from seventeen sacks from the possession
of the petitioner.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. The allegation as alleged in the F.I.R. is false and



fabricated. Although the recovery was made from the house of the petitioner and there is non-compliance of section 103 of BNSS. The Police after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 22.07.2025.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner and fairly submits that altogether 547 kg. of hemp was recovered from the house of the petitioner and petitioner carries one more criminal antecedent other than the present one but fairly submits that he is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 349 of 2025, with the following conditions:

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient



reason, his/her bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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