IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77567 of 2026

CNR No. BRHC011127672026

Arising Out of PS. Case No.-155 Year-2025 Thana- MALI District- Aurangabad

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Raju Vishwakarma Son of Late Krishna Mistri Resident of Village/ Mohaslla-Shiv Charan Lane, Manpur, P.S.- Buniyadganj, District- Gaya Jee

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Narendra Kumar, Advocate
: Mr. Tej Narayan Singh, Advocate
For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 05-11-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends arrest in connection with Mali P.S. Case No. 155 of 2025, lodged on 06.08.2025, for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution, total recovery of 225 litres of liquor has been made from the vehicle, which is subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the said recovery has been made from the vehicle

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and petitioner is alleged to be the owner of the vehicle. Counsel further submits that FIR has been lodged on 06.08.2025 whereas petitioner has already sold this vehicle to one Jeet Kumar on 06.10.2024 itself, and in this regard a sale-deed has been prepared by virtue of agreement. Counsel submits that antecedent of the petitioner is clean. Counsel submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State, on the other hand, opposes the prayer for bail of the petitioner but fairly submits that as per stand of the petitioner, the sale of the vehicle has been made by virtue of agreement.

6. As such, in the present facts and circumstances of the case, let the above-named petitioner be released on bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of learned Court of Special Judge, Excise-II, Aurangabad, Bihar, in connection with Mali P.S. Case No. 155 of 2025, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023 with further conditions that:

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(i) One of the bailors should be the close relative of the petitioner who shall provide official document to show his *bona fide;*

(ii) The petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) He shall do all efforts to transfer the vehicle in the name of the purchaser within six months. If he shall not get transfer the same then the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Dr. Anshuman, J)

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