

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37750 of 2024

Arising Out of PS. Case No.-95 Year-2024 Thana- NAVINAGAR District- Aurangabad

Jitendra Rajwar S/o- Late Sita Ram Rajwar Village- Tetariya Ps- Nabinagar
Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Nabinagar P.S. Case No. 95 of 2024 registered for the alleged offence under Sections 30(a), 30(c) of the Bihar Prohibition and Excise (Amendment) Act 2018.

03. As per prosecution case, police received secret information about manufacturing of liquor on the bank of river Sone by the petitioner and other co-accused person. A raid was conducted but all the miscreants fled away from the spot and about 7,000 litres of raw material for making illicit liquor was recovered which was destroyed. Further, recovery of 960 litres of country made liquor was also made from the spot.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner and all the recovery has been shown from the banks of Sone river which is a public place and the land does not belong to the petitioner. The petitioner has no concern with the seized liquor or the place from where recovery has been made. The petitioner was simultaneously made accused in two cases apart from the present one. Petitioner has also been accused in one case i.e., Nabinagar P.S. Case No. 96 of 2024 without any substantive material. The petitioner has been named in this case merely on saying of the informers.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned A.P.P. submits that huge quantity of illicit country made liquor was recovered apart from manufacturing unit for the same.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and further considering a lack of substantive material to connect the petitioner with the offence as alleged and also considering the possibility of false accusation, let the petitioner above named, in



the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Spl. Judge Excise Court No. 01, Aurangabad/concerned court in connection with Nabinagar P.S. Case No. 95 of 2024 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other 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, if so required by the learned trial court.

(Arun Kumar Jha, J)

Balmukund/-
Aman/-

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