

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44747 of 2024**

Arising Out of PS. Case No.-125 Year-2024 Thana- BHAGWANPUR District- Vaishali

Raja Kumar Son Of Beer Chandra Rai Resident Of Village - Ratapura, P.S. -  
Bhagwanpur, District – Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**  
For the Petitioner/s : Mr. Awadhesh Kumar Singh, Advocate  
For the Opposite Party/s : Ms. Meena Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      24-07-2024                      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 Bhagwanpur P.S. Case No. 125 of 2024, registered for the alleged offence under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, police received secret information about petitioner keeping and manufacturing illicit liquor on the land of one Sipahi Rai. A raid was conducted and a person fled away from the spot who was identified by the *Chowkidar* as this petitioner. On search of the place, some instruments for manufacturing illicit liquor, 25.29 liters of foreign liquor and a number of empty bottles and wrappers etc. were



recovered.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. From the FIR, it is apparent that no recovery has been from this petitioner either from his person or possession. The recovery has been made from the place belonging to one Sipahi Rai and petitioner has no concern either with the seized liquor or the articles recovered from the spot or the land from where the recovery has been made. Moreover, it is also apparent from the FIR, the petitioner was named in this case on basis of statement of *Chowkidar*. The petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

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 the lack of material to show the *prima facie* case against the petitioner and also considering the possibility of false implication, 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 court



of Exclusive Special Excise Judge-I-cum-Additional Sessions Judge, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 125 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)

Ashish/-

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