

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83620 of 2024

Arising Out of PS. Case No.-504 Year-2023 Thana- Excise P.S. District- Madhepura

Rajesh Kumar Son of Jay Krishan Yadav Resident of Village- Navtoliya,
Ward No.- 01, P.S.- Madhepura, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 11-12-2024 Heard Mr. Uday Chand Prasad, learned counsel for

the Petitioner and Mr. Narsingh Tanti, learned APP for the

State.

2. The petitioner apprehends his arrest in connection
with Madhepura Excise P.S. Case No. 504 of 2023 dated
08.07.2023 registered for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, the informant got
secret information on 08.07.2023 at about 5:26 P.M. that there is
selling of illicit foreign liquor in Madhepura. Informant went to
the informed place and on seeing the police party, three men
started running in different directions and on chasing, one



accused person namely, Rajiv Kumar, caught hold and searched by the police and recovered 37.875 litres of illegal foreign liquor from the broken bathroom at the back of the quarter of Rajiv Kumar and Rajesh Kumar (Petitioner). Rajiv Kumar disclosed the name of his associate namely, Rajesh Kumar (Petitioner) and claimed that the another man had come to purchase the liquor, but the name and address is unknown, both fled away on arrival of the police.

4. The main submissions advanced by learned counsel for the petitioner are that the petitioner has been falsely roped in the alleged recovery of liquor but as per the seizure memo, the alleged liquor was recovered from the campus of the B.N. College, Navtoliya, Madhepura which is an open place as well as accessible to everyone and further, the petitioner has fair and clean antecedent.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Heard both the sides and perused the FIR and the seizure memo which shows that 37.875 litres of foreign liquor was allegedly recovered from the bathroom which is situated inside the quarter of this petitioner, so, considering this aspect and also the fact that the investigation is still pending, in my



opinion, it is not a fit case for anticipatory bail to the petitioner,
accordingly, his prayer stands rejected.

(Shailendra Singh, J)

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