

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3863 of 2025

Arising Out of PS. Case No.-132 Year-2024 Thana- ARERAJ District- East Champaran

1. Kushal Kumar, Male, aged about 25 yrs., son of Arun Paswan, resident of village Areraj, Ward No. 2, P.S.- Areraj, District- East Champaran, Motihari
2. Mithu Kumar, Male, aged about 28 yrs., son of Rajeshwar Mahto, resident of village Areraj Ward No. 9, P.S.- Areraj, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-02-2025 Heard Mr. Rajesh Kumar, learned counsel appearing on behalf of the petitioners and Mr. Shailendra Kumar, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Areraj P.S. Case No. 132 of 2024 registered for the offence punishable under Sections 274 and 275 of the Bharatiya Nyaya Sanhita (B.N.S.), 2023 and Section 30 (a) of the Bihar Prohibition and Excise Act as amended up-to-date.

3. Allegation is of recovery of 60 litres of country-made liquor from the motorcycle bearing Registration No. BR05Z3073.

4. Learned counsel appearing on behalf of the



petitioners submits that the petitioners have been falsely implicated in the case due to local village politics. Petitioners have no concern with the seized liquor or with the motorcycle, from which the illicit liquor was recovered, nor he is involved in trade of liquor in any manner. Petitioners have clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and submits that due to sale and consumption of illicit liquor, day after day, hooch tragedy occurs and the State Officials of different department appears to have facilitated smuggling and trade of illicit liquor inside the State of Bihar. As such, involvement of the petitioner cannot be ruled out from illicit trade of liquor.

6. Learned District Court is directed to verify, whether the motorcycle bearing Registration No. BR05Z3073, from which 60 litres of country-made liquor has been recovered, is registered in the name of the petitioners. If it is found that the aforesaid motorcycle is not registered in the name of the petitioners, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or



surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No. 1, Motihari, East Champaran, in connection with Areraj P.S. Case No. 132 of 2024, subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

7. The learned District Court is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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