

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7085 of 2025

Arising Out of PS. Case No.-298 Year-2024 Thana- NEMDARGANJ District- Nawada

Kailash Rajbanshi @ Kaila S/o- Sidan Rajbanshi @ Sivan Rajvari @ Shivan
Rajvanshi Village - Chhotki Amba, PS- Nemdarganj, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prem Ranjan Kumar

For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 22-03-2025 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Nemdarganj Police Station Case No. 298 of 2024, dated 01.10.2024, disclosing offence under Section 30(d) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police, on secret information that the petitioner is manufacturing illicit liquor near Khuri river, raided the place of occurrence and on seeing the police, one person came out of the bush and fled away. On search in the bush near the river, the police recovered articles for manufacturing illicit liquor and 200 litres of mahua liquor.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on the disclosure of his names by the chowkidar. He further submits that the petitioner has got no concern with the articles and mahua liquor recovered inasmuch as the same has been recovered from the bush near the river, which is an open space and is accessible to all. He further submits that the illicit liquor has not been recovered from the conscious possession and/or premises belonging to he petitioner.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that the name of the petitioner transpired in this case on the basis of disclosure made by the chowkidar and the articles and mahua liquor has not been recovered from the possession and/or premises belonging to the petitioner; rather, the same has been recovered from the bush near the river, which is an open space, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks,



be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. I, Nawada, in connection with Nemdarganj Police Station Case No. 298 of 2024, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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