

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11332 of 2025

Arising Out of PS. Case No.-4 Year-2021 Thana- NADI P.S. District- Patna

Rishu Kumar Son of Deepak Prasad Resident of Village- Jethuli, P.S.-Nadi,
District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Jay Ram Prasad, Advocate.

For the State : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 21-02-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Special Case No. 171 of 2021 arising out of Nadi PS. Case No.04 of 2021 dated 05.01.2021, registered for the offences punishable under Sections 353, 420, 427, 467, 468 and 471/34 of the Indian Penal Code and Sections 30(a), 36, 41(1) and 45 of Bihar Prohibition and Excise Act, 2016.

3. As per allegation, total 4938.630 litre of foreign liquor has been recovered from some vehicles on raid by the police and some of the persons were also arrested on the spot, but name of the petitioner has transpired in the



confessional statement of co-accused Rajnish Kumar @ Imli.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner was neither present on the place of occurrence, nor is he owner of the vehicle seized, nor any way involved in the alleged offence. He further submits that the prosecution case against the petitioner is based only on confessional statement of co-accused before police which has no evidentiary value. Hence, no *prima facie* case is made out against the petitioner. He also submits that similarly situated co-accused Mahesh Yadav @ Sadhu @ Sadhu Ray @ Raghu Nath Ray has been enlarged on bail by this Court vide order dated 18.02.2025 passed in Cr. Misc. 9182 of 2025.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has no criminal antecedent.

7. However, learned APP for the State vehemently



opposes the prayer of the Petitioner for bail.

8. Considering the fact that except confessional statement of co-accused before police, there is no other material against the petitioner and such confessional statement has no evidentiary value, no *prima face* case is made out against the petitioner and hence the present petition is maintainable.

9. Considering the facts and circumstances of the case, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna City, in connection with Special Case No. 171 of 2021 arising out of Nadi PS. Case No.-04 of 2021, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent, learned



court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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