

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13616 of 2025

Arising Out of PS. Case No.-361 Year-2024 Thana- RAGHOPUR District- Vaishali

Gunai Rai @ Naresh Rai, Son of Naresh Rai @ Sogarath Ray, Resident of
Village -Jafrabad Tok, (Sukumarpur), P.S.- Rustampur, Distt.- Vaishali
... .. Petitioner

Versus

The State of Bihar
... .. Opposite Party

Appearance :
For the Petitioner/s : Mr. Shivjee Singh, Advocate
For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-04-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner is named in the F.I.R.

and apprehended his arrest in connection with Raghopur P.S.

Case No. 361 of 2024 registered for the offences punishable

under Sections 274 and 275 of the Bhartiya Nyaya Sanhita (in

short ‘BNS’) and Section 30 (a) of the Bihar Prohibition and

Excise Act, 2022.

3. The allegation against the petitioner is to be

engaged in illegal trading/manufacturing of illicit liquor, where

there is recovery of 40 litres of IMFL/country made liquor from

the petitioner.



4. Learned counsel appearing on behalf of the petitioner submitted that alleged manufacturing activity was said to be operational on the bank of river the Ganga, which is an open place and easily accessible by general public. It is submitted that petitioner was not apprehended on spot, rather his name transpired with present case on instance of local chowkidar, that too on the basis of hearsay input/suspicion. While concluding the argument, it is submitted that petitioner was found involved in one more case of similar nature, where he is on bail. It is pointed out that one of the reason for naming petitioner with the present case is suspicion arising out of his criminal antecedent, as aforesaid.

5. Learned APP appearing on behalf of the State opposes the prayer for anticipatory bail.

6. In view of aforesaid facts and circumstances and by taking note of the fact, as certain items related with manufacturing of illicit liquor *prima-facie* appears to be recovered from the bank of River Ganga, which is an open place and easily accessible by general public, where name of petitioner transpired on the basis of suspicion raised by local chowkidar, accordingly, the petitioner, above named, in the



event of his arrest or surrender before the learned Trial Court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.-II-cum-Additional District and Sessions Judge, Vaishali at Hajipur/concerned Trial Court, where the case is pending in connection with Raghopur P.S. Case No. 361 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C./Section 482(2) B.N.S.S. and with further conditions:-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J.)

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