

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11864 of 2025

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

1. Pintu Rai Son of Arbind Rai village- Sukumarpru, Ps- Raghapur (Rustampur OP) Dist- Vaishali
2. Satish Kumar Son of Luthi Rai village- Jafrabad Tonk, Ps- Raghapur (Rustampur OP) Dist- Vaishali
3. Upendra Rai son of Bashishth Rai Village- Sukumarpru, Ps- Raghapur (Rustampur OP) Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh, Adv

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, 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/petitioners are named in the

F.I.R. and apprehended their arrest in connection with

Raghapur P.S. Case No. 361 of 2024 registered for the

offences punishable under Sections 274 and 275 of the BNS

and Section 30 (a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioners is to be

engage in illegal trading/manufacturing of illicit liquor, where,



there is recovery of 40 litres of IMFL/country made liquor from each of the petitioners.

4. Learned counsel appearing on behalf of the petitioners 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 petitioners were not apprehended on spot, rather their name was implicated with the present case by local chowkidaar on the basis of hearsay input/suspicion. While concluding the argument it is submitted that petitioner no. 1 is a man of clean antecedent, whereas petitioner no. 2 found involved in two more cases and petitioner no. 3 found involved in one more case of similar nature, where they are on bail. It is pointed out that one of the reason for naming petitioners with the present case is suspicion arising out of their criminal antecedents 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 banks of River the Ganga, which is an open place and easily accessible by general public, where name of petitioners transpired on the basis of suspicion raised by local chowkidaary, accordingly all three petitioners above named, in the event of their arrest or surrender before the learned Trial Court within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise 2nd cum District and Additional Sessions Judge, Vaishali at Hajipur/concerned Trial Court where the case is pending in connection with Raghapur 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) BNSS 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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