

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13261 of 2025

Arising Out of PS. Case No.-233 Year-2024 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Raju Kumar @ Kaju Son of Umesh Mahto Resident of Village- Ward No 20,
Cheria Bariyarpur, PS- Cheria Bariyarpur, Distt.- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Shashank Shekhar, Advocate
For the State : Mr. Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 28-02-2025 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 Cheria
Bariyarpur PS. Case No.233 of 2024 dated 29.12.2024,
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. As per allegation, the police got information that
the petitioner is selling foreign liquor and when he reached the



shop-stall of the petitioner, he fled away and the police recovered 9.360 liter foreign liquor from beneath the earth just below his stall. As per further allegation, there is recovery of contraband from constructive possession of the petitioner. Hence, prima facie case is made out.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that there is no recovery from conscious possession of the petitioner.

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 been made accused in one other case.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail submitting that the recovery of contraband has been made from constructive possession of the petitioner because illicit liquor has been recovered from beneath the earth just below the shop/stall of the petitioner.

8. Considering the aforesaid facts, I find that *prima*



facie case is made out against the petitioner and hence, I am not persuaded to enlarge the petitioner on bail. Accordingly, the present petition is dismissed as not maintainable.

(Jitendra Kumar, J.)

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