

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14307 of 2025

Arising Out of PS. Case No.-2497 Year-2024 Thana- Excise P.S. District- Patna

Raushan Kumar @ Roshan Kumar, S/o Late Umesh Ray, R/o Vill.- Yadav Chak, Kurthaul, P.S.- Parsa Bazar, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Kunwar Ajit Singh, Advocate
For the State	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 28-03-2025 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 Patna Excise PS. Case No.2497 of 2024 dated.24.10.2024 registered for the offences punishable under Sections 30(a), 56(b) of the Bihar Prohibition and Excise Act, 2016.

3. As per allegation, 1.5 liters of liquor has been recovered from the possession of the co-accused, Vikas Kumar, one liter of illicit liquor has been recovered from Pintu Kumar and 40 liter liquor has been recovered from a sack kept on the sack of a motorcycle bearing registration no. BR-O1-HY-2725 and the name of the petitioner has transpired in the confessional statement of the co-accused, Vikas Kumar.



4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner nor the motorcycle belongs to him. He also submits that the name of the petitioner has transpired only in the confessional statement of the co-accused which has no evidentiary value in the eye of law.

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.

8. Considering the aforesaid facts and circumstances, **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 Exclusive Special Judge, Excise Court No.III, Patna, in connection with atna Excise PS. Case No.2497 of 2024, 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 antecedents other than the disclosed one, 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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