

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18022 of 2025

Arising Out of PS. Case No.-403 Year-2024 Thana- BHAGWAN BAZAR District- Saran

Raj Kumar Rai @ Raj Kumar Yadav S/o late Ramji Rai R/o Nai Basti
Brhampur, ward no 4, P.S.- Bhagwan Bajar, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirtunjay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-04-2025 Heard the parties

2.The petitioner is named in the F.I.R. and apprehending his arrest in connection with Bhagwan Bajar P.S. Case No. 403 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 25 litres of IMFL/country made liquor

4. Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit



liquor appears to be made from an open field i.e., garbage collecting point, which is accessible by general public making *prima-facie* doubt that alleged recovery was made from the conscious physical possession of the petitioner. It is also submitted that petitioner found involved in two more criminal cases, where he is on bail.

5. Learned APP, opposes the prayer of bail.

6. In view of aforesaid factual and legal submission and by taking note of fact that alleged recovery of illicit liquor *prima-facie* made from an open place accessible by general public, accordingly petitioner above-named, in the event of his arrest or surrender before the court below 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 1st Exclusive Special Excise Court, Saran / concerned Court, where the case is pending in connection with Bhagwan Bajar P.S. Case No. 403 of 2024, subject to the



conditions as laid down under Section 482(2) of BNSS,
subject to condition that:-

(i) That petitioner shall not involve/ indulge 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.

(Chandra Shekhar Jha, J)

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