

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16334 of 2025

Arising Out of PS. Case No.-770 Year-2024 Thana- RAFIGANJ District- Aurangabad

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Ramkumar Ranjan Ramchandra Yadav Village- Shitalgarh PS -Aanti District
-Gaya

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Adv

For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-05-2025 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 Rafiganj P.S.

Case No. 770 of 2024 registered for the offences punishable

under Sections 30 (c) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to be

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

there is recovery of 675 kilograms of *mahua* flower used in

manufacturing of illicit liquor.

4. Learned counsel appearing on behalf of the



petitioner submitted that recovery of *mahua* flower was made from the tempo, which is a public carrier and petitioner is not connected with aforesaid tempo. It is submitted that in view of aforesaid, it cannot be said that recovery of *mahua* flower, which is prohibited as per Bihar Prohibition and Excise Act, 2016 was made from the physical possession of this petitioner. While concluding the argument it is submitted that petitioner found involved in three more criminal cases, where he is on bail.

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 recovery of alleged *mahua* flower, prohibited under Excise Act prima-facie not appears to be recovered from the conscious physical possession of this petitioner, 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) each with two sureties of the like amount each to



the satisfaction of the learned District and Additional Sessions Judge-cum-Special Judge, Excise Court No. 1, Aurangabad/concerned Trial Court where the case is pending in connection with Rafiganj P.S. Case No. 770 of 2024 subject to the conditions as laid down under Section 482(2) of the BNSS with further condition:-

(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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