

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18665 of 2025

Arising Out of PS. Case No.-434 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

1. Bega Rajbhar @ Tega Rai @ Tega S/o Ram Nath Rajbhar Resident of village- Bhalu Bhuran, P.S.- Chainpur, District- Kaimur at Bhabua
2. Mordhwaj Rajbhar S/o Amar Rajbhar Resident of village- Bhalu Bhuran, P.S.- Chainpur, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Adv.
For the State : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 14-07-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 and Sections 3/4 of the Bihar Excise (Mahua Flowers) Rules, 2006.

3. The perusal of the FIR and the seizure list would show that a total of 120 litres of *mahua* liquor has been recovered near a dam in the forest and 1000 litres of soaked *mahua* was also destroyed there.

4. Learned counsel for the petitioners submits that no recovery was made from physical and conscious possession of



the petitioners. Their names have surfaced in this case upon the disclosure made by the *mahal chaukidar*. It is further submitted that the place of recovery is an open area which is accessible to anyone and the process of search and seizure also amounts to violation of the mandatory provisions as there is no independent witness to the said seizure. It is also pointed out by learned counsel for the petitioners that the petitioners have no criminal antecedent as mentioned in para 3 of the bail application.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail.

6. Considering the entire facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Chainpur P.S. Case No. 434 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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