

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19046 of 2025

Arising Out of PS. Case No.-480 Year-2024 Thana- RAXAUL District- East Champaran

1. Surendra Bhagat @ Surender Rai, S/o- Ramakit Ray, resident of Village- Siswa Ps- Raxaul Dist- East Champaran
2. Mukesh Yadav S/o- Jiyalal Yadav, resident of Village- Siswa Ps- Raxaul Dist- East Champaran
3. Rajesh @ Rajeshwar Kumar Teli S/o- Shivnath Sah Teli, resident of Village- Narayani Parsa Ps- Amarpatti Dist- Parsa Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-04-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Raxaul P.S. Case No. 480 of 2024 dated 05.12.2024 instituted for the offence punishable under Sections 109, 132, 62(2), 352, 351(2), 3(5) of Bhartiya Nyaya Sanhita, 2023 and section 30(a), 45 of Bihar Prohibition and Excise Act, 2016.

3. The prosecution case, in short, is that on the alleged date of occurrence, a total 648 litres of Nepali liquor was recovered from a Scorpio vehicle bearing Registration No. BR05BH-5966. From the place of occurrence, two persons,



namely, Devanand Kumar and Amri Sahani were arrested.

4. Learned counsel for the petitioners submit that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that nothing has been recovered from the conscious possession of the petitioners or from their house. The apprehended persons namely Devanand Kumar and Amri Sahani disclosed that the said vehicle belongs to one Sonu Singh. The petitioner has been made accused in this case only on the basis of confessional statement made by the apprehended persons. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Raxaul P.S. Case No. 480 of 2024, they will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 3, Civil Court, East Champaran, Motihari subject to condition as laid down under Section 438(2)



of the Cr.P.C.

(Khatim Reza, J)

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