

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22460 of 2025**

Arising Out of PS. Case No.-97 Year-2024 Thana- DARIYAPUR District- Saran

MAHESH RAI Son of Late Fuleshwar Singh R/o Village - Jamira, P.S.-  
Dariyapur, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kunal Singh, Advocate  
For the State : Md. Iftekhar Mahmood, APP

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      30-04-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,  
in connection with Dariyapur P.S. Case No. 97 of 2024, dated  
25.02.2024, registered for the offences punishable under Section  
30(a) of the Bihar Prohibition and Excise Act.

3. As per allegation, 120 litre of illicit liquor has been  
recovered from one gallon and trye-tube. One motorcycle  
standing near the contraband was also seized which has been  
registered in the name of the petitioner.

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 motorcycle and as such, the petitioner and his motorcycle



are no way connected with the alleged offence.

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 bail petition that the petitioner has three criminal antecedents.

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 concerned Court Below, in connection with Dariyapur P.S. Case No. 97 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 any criminal antecedents, 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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