

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22825 of 2025

Arising Out of PS. Case No.-166 Year-2024 Thana- MALAHI District- East Champaran

Rajnish Kumar S/O Bhagrunath Mishra @ Bhrigunath Mishra @ Bhirgoon
Mishra R/O Village- Chatiya Kanta, P.S- Malahi, Distt.- East Champaran
(Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

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

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Malahi P.S. Case No. 166 of 2024 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to have in possession of 384.660 litres of illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that as per seizure list, recovery of alleged illicit liquor appears to be made from an open place which is the bank of Gandhak river. It is pointed out that place



of recovery appears easily accessible by general public and, therefore, recovery of illicit liquor cannot be said to be made from conscious physical possession of this petitioner, who appears implicated on the basis of input given by unknown locals. It is submitted that petitioner found involved in one more case of similar nature, in which he is on bail.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions and by taking note of the fact as recovery of alleged illicit liquor *prima-facie* not appears to be made from physical possession of this petitioner, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. 1, East Champaran, Motihari, in connection with Malahi P.S. Case No. 166 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha



Sanhita (in short “B.N.S.S.”).

(i) That petitioner shall not indulge in similar nature of case 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)

Rajeev/-

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