

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22684 of 2025

Arising Out of PS. Case No.-198 Year-2024 Thana- BELA District- Sitamarhi

Chandan Rai @ Chandan Ray @ Chandan Kumar S/O Late Ram Babu Ray
R/O Village- Sirsiya, Ward No. 11, P.S.- Bela, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 30-04-2025 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 Bela P.S. Case

No. 198 of 2024 registered for the offences punishable under

Section 317 (5) of the BNSS and Section 30 (a) 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 27 litres of IMFL/country made liquor.

4. Learned counsel appearing on behalf of the

petitioner submitted that petitioner was named with the

present case on the basis of disclosure made by apprehended



co-accused person. It is submitted that no recovery of illicit liquor as per seizure list appears recovered from the physical possession of this petitioner. It is pointed out that one of the reason for implication of petitioner with the present case as he was found involved in four more cases of similar nature, where he is on bail. It is submitted that prayer of bail of accused/petitioner ordinarily should not be rejected, on the sole ground of his criminal antecedents if merit of the case otherwise appears in his favour. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of Uttar Pradesh** and Another (2020 SCC OnLine SC 75).

5. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

6. In view of the facts and circumstances and by taking note of the fact as recovery of illicit liquor prima-facie not appears to be made from the 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 Exclusive Special Excise Court-1, Sitamarhi/concerned Trial Court where the case is pending in connection with Bela P.S. Case No. 198 of 2024 subject to the conditions as laid down under Section 482(2) of the BNSS with further conditions:-

(i) That petitioner shall not involve 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.)

S.Tripathi/-

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