

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24161 of 2025

Arising Out of PS. Case No.-12 Year-2025 Thana- RAJEPUR District- East Champaran

Brajesh Rai Son of Shivchandra Rai Resident of Village- Parsauniya
Nonimal, P.S.- Rajepur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Ms.Renuka Ratnakar (APP.125)

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-05-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Rajepur P.S. Case No. 12 of 2025, registered for the offences punishable under Section 111(4) of the Bharatiya Nyaya Sanhita and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The police on a tip off trafficking of illicit wine intercepted a truck bearing registration No. UP12BT1852 and apprehended one Brajesh Rai. It is further alleged that on noticing the police party, 7-8 persons succeeded in fleeing away, who were identified by the villagers, out of whom the name of the petitioner also disclosed. It is further alleged that in course of search, 2565 litres of Indian made foreign liquor was recovered.



4. Learned Advocate for the petitioner contended that the petitioner has neither any connection with the truck in question nor with the illicit wine. Save and except the disclosure made by the villagers, whose name has not even been disclosed in the FIR, there is no material suggesting the complicity of the petitioner in the crime. Identification of the petitioner by the villagers does not inspire confidence. It is further submitted that the petitioner having fair antecedent has never been found indulged in such kind of crime and, as such, even the suspicion raised against the petitioner is not based upon any cogent material; moreover the petitioner undertakes before this Court that he will fully cooperate in the investigation and in the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that in view of Section 76(2) of the Bihar Prohibition and Excise Act, 2016, the anticipatory bail application of the petitioner is not maintainable.

6. Regard being had to the submissions made on behalf of the parties and considering the material available on record; especially the fact that save and except the disclosure made by the villagers, there is no material; moreover during the



course of investigation, no material has been collected by the Investigating Officer suggesting the complicity of the petitioner in the crime and, as such, the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act does not attract in the facts of the case, coupled with the fair antecedent of the petitioner, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 3, Motihari, East Champaran in connection with Rajepur P.S. Case No. 12 of 2025, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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