

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22706 of 2025

Arising Out of PS. Case No.-171 Year-2025 Thana- Excise P.S. District- Aurangabad

Rajesh Kumar S/O Dilkeshwar Ram R/o Village- Mishra Tendua, P.S-
Tandawa, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Anand, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

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 apprehending his arrest in
connection with Excise P.S. Case No. 171 of 2025, registered for
the offences punishable under Sections 30(a), 32(3) and 37 of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 2 litres of IMFL/country made liquor from the bike.

4. It is submitted by learned counsel that the petitioner
implicated with present case being owner of the bike bearing
registration no. JH03R888, which was provided to co-accused in
good faith out of personal acquaintance, but later on found
involved in carrying of illicit liquor. It is submitted that the act of
co-accused was not in knowledge of petitioner and, therefore, it



can be said safely that recovery of illicit liquor was not made from conscious physical possession of this petitioner, who is a man of clean antecedent.

5. Learned APP opposed the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as recovery of illicit liquor *prima facie* not appears to be made from the conscious physical possession of this petitioner, who is a man of clean antecedent, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Court-II, Aurangabad/concerned Court, where the case is pending in connection with ABP No. 518/2025 arising out of Excise P.S. Case No. 171 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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