

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24479 of 2025

Arising Out of PS. Case No.-61 Year-2025 Thana- Excise P.S. District- Begusarai

Rajesh Kumar @ Bahubali S/o Hare Ram Singh R/o Ward No. 45, Chhoti
Aighu, Mohan Eghu, Mohanaingn, P.S.- Muffasil, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 06-05-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehend his arrest in connection with Begusarai Excise P.S. Case No. 61 of 2025, registered under Section 30(a) of the Bihar Excise (Prohibition) Act, 2018.

3. The story of the prosecution in brief is that Pramod Kumar Das, Sub Inspector of Excise and Prohibition after receiving a secret information that the petitioner is trading in foreign liquor in a bush behind his dera near Paan Gachi at Guptabandh, raided the said place and on seeing the police party, one person who was concealing some articles in a bush managed to flee away. It is further alleged that nobody from the village agreed to become the independent witness, however, on search near the bush, 4 bags containing total 39 litres of foreign



liquor were seized.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and he also submits that nothing has been recovered from the conscious possession of the petitioner. The petitioner also submits that that he has got five criminal antecedent, the details of which has been given in para 3 of the bail application. In all the cases, he is on bail. He further submits that the raid was conducted by the Excise team with the help of police does not belong to the petitioner. He, therefore, prays for grant of anticipatory bail.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for anticipatory bail and submits that petitioner has a criminal antecedent of five cases and in all the case, he is on bail.

6. Considering the facts and circumstances of the present case and the fact that nothing has been recovered from the conscious possession of the petitioner and also the fact that the place where the search were conducted does not belong to the petitioner and further taking into account that search and seizure does not carry the signature of two independent witnesses, which raises serious question mark on the legality and



validity of the search itself, this Court is inclined to grant privilege of anticipatory bail to the petitioner.

7. Let the petitioner, named above, in the event of his arrest or surrender before the Court below within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like each amount each to the satisfaction of Exclusive Excise Court No.- II, Begusarai, in connection with Begusarai Excise P.S. Case No. 61 of 2025, subject to the condition laid down under Section 482 of the Bhartiya Nyaya Sanhita.

(Alok Kumar Sinha, J)

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