

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26594 of 2025

Arising Out of PS. Case No.-258 Year-2024 Thana- BUXAR INDUSTRIAL District- Buxar

Rajkumar Kushwaha @ Sanny @ Mash @ Masha S/O Late Ramashankar
Singh Village- Jagdihpur, PS- Buxar Muffasil, Distt.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 29-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Buxar
(Industrial Area) P.S. Case No. 258 of 2024, instituted for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. Earlier anticipatory bail was granted to this
petitioner by a Co-ordinate Bench of this Court vide order dated
08.01.2025 passed in Cr. Misc. No. 88176 of 2024 with a
condition that in the event if it is found that petitioner has more
than five criminal antecedents, in that event, the anticipatory
bail order shall not be given effect to. Subsequently it was found
that the petitioner has more than five criminal antecedents.
Hence, the petitioner could not furnish his bail bond.



4. The prosecution case, in short, is that, 604.800 liters liquor was recovered from a car.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. Learned counsel for the petitioner also submits that the petitioner was neither arrested on spot nor he is owner of the car in question. Name of the petitioner has transpired in this case in course of investigation. It is further submitted that no any recovery of liquor has been made from the possession of the petitioner. The petitioner is in custody since 28.03.2025 and has got nine criminal antecedents in which he is on bail. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail *after framing*



of charge, if not already framed on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Buxar (Industrial Area) P.S. Case No. 258 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner is found involved in similar nature of offence in future, the Trial Court will have the liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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