

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26721 of 2025**

Arising Out of PS. Case No.-34 Year-2025 Thana- RAJEPUR District- East Champaran

Mahadev Bhagat S/O Late Munshi Bhagat R/O Vill.- Kashipakadi, P.S.-
Rajepur, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Ramchandra Sahni, 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
Rajepur P.S. Case No. 34 of 2025 instituted for the offences
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

3. As per prosecution case, the police has recovered
total 350.640 liters of illicit foreign liquor from the *Gowas of*
the petitioner.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has committed no offence as
alleged against him and has falsely been implicated in the



present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner rather the illicit liquor has been recovered from the *Gowas* which is a open place accessible to one and all. The petitioner has no concern with the seized liquor. The petitioner was not aware of the contents of the material being kept in the *Gowas*. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 24.02.2025 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Guddu Kumar has been granted bail by this Court vide order dated 24.04.2025 passed in Cr. Misc. No. 25990 of 2025.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case



as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Rajepur P.S. Case No. 34 of 2025.

(Rudra Prakash Mishra, J)

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