

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33734 of 2025

Arising Out of PS. Case No.-76 Year-2025 Thana- ATHMALGOLA District- Patna

Hari Shankar Rai @ Hari Shankar S/o- Swarath Rai Resident of Village-
Nayatola Raghopur PS-Bakhtiyarpur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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

ORAL ORDER

2 20-06-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in connection
with Athmalgola PS Case No. 76 of 2025 instituted for the
offences under Section 317(5) of the Bharatiya Nyaya Sanhita,
2023 read with Section 30(a) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that total 50 litres
of liquor was recovered from motorcycle.

4. Learned counsel for the petitioner submitted that
the petitioner has falsely been implicated in the present case.
The name of the petitioner transpired in this case on the basis of
disclosure made by co-accused. Learned counsel for the
petitioner submits that motorcycle does not belong to the



petitioner. Learned counsel for the petitioner, therefore, contends that *prima-facie* no case is made out against the petitioner. The petitioner has got no concern with the alleged recovery of liquor. The petitioner has two criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023. Other co-accused has been granted regular bail by this Court vide order dated 24-04-2025, passed in Cr. Misc. No. 25784 of 2025.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to impugned order, it is submitted that petitioner is named in the FIR and there is direct and specific allegation against the petitioner that he has given motorcycle and 50 liters liquor to co-accused for delivery of the same to one Neeraj Kumar.

6. Considering the aforesaid facts and circumstances of the case, there being direct allegation against the petitioner coupled with the fact that the petitioner is named in the FIR, this Court is not inclined to grant anticipatory bail to the petitioner. Prayer for grant of anticipatory bail to the petitioner is, accordingly, ***rejected***.

7. However, if the petitioner surrenders before the court below within a period of four weeks from today and prays



for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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