

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32008 of 2025

Arising Out of PS. Case No.-60 Year-2025 Thana- KISHANPUR District- Supaul

Rajesh Kumar S/o Mahendra Mandal R/o Village- Piparakhurd, Ward No.06,
P.S.- Bhaptiyahi, Dist.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhuweneswar Sahu, Advocate

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 21-05-2025 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Kishanpur P.S. Case No. 60 of 2025, registered for the offences
punishable under Section 30(a) of Bihar Prohibition & Excise
Act, 2016. Petitioner has clean antecedent.

3. The Prosecution case is to the effect that the
informant has alleged that during night patrolling, he saw a
wagon R vehicle coming and when the car was stopped, the
driver tried to flee. Thereafter, informant chased him and
apprehended the person who disclosed his name as Rajesh
Kumar (petitioner) and upon search total 230 liters of Nepali
country-made liquor was recovered from the car.



4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the case. He further submits that petitioner is not the owner of the car and was hired as a driver by the owner. The learned counsel has further stated that the petitioner was not aware about the contents of the bags which was kept inside the car and he had no concern whatsoever with the same. It has further been submitted that no article was recovered from the conscious possession of the petitioner and lastly it has been submitted that petitioner carries clean antecedent and he is in custody since 27.03.25.5.

5. The learned APP for the State has opposed the prayer for bail and has stated that the petitioner was apprehended and 234 liters of country-made liquor has been recovered from the possession of the petitioner.

6. Considering the aforesaid facts and circumstances and also taking into account that the petitioner was not the owner of the car and was employed as a driver and taking note of the fact that he has clean antecedent, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on deposition of a sum of Rs. 5,000/- to the Patna High Court



Legal Services Committee, Patna, and an acknowledgment receipt be submitted before the learned Court below prior to the furnishing bail bond and thereafter on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned Exclusive Special Court Excise Court No.01, Supaul, in connection with Kishanpur P.S. Case No. 60 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the



petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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