

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33951 of 2025

Arising Out of PS. Case No.-13 Year-2025 Thana- ARA NAGAR District- Bhojpur

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Rajnish Kumar S/o- Udai Mahto @ Udai Singh, R/o Village- Dharhara, PS-
Ara Nagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-05-2025 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Town (Ara) P.S. Case No. 13 of 2025, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, information was received about some persons selling liquor and Police reached the identified place and found three persons sitting there keeping a bag nearby. All three tried to flee away on seeing the Police party and two of them were apprehended, who disclosed the name of petitioner as the third person who fled away from the spot. On search of the bag, 5 litres of country made mahua liquor was recovered.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the place from where the recovery has been made. No offence under the provision of Bihar Prohibition and Excise Act is made out against the petitioner. Except for the confessional statement of the co-accused persons, who are on inimical terms with this petitioner, there is no material against this petitioner. The learned counsel lastly submits that the petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioner and further considering the possibility of false implication along with clean antecedent of the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the Court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two



sureties of the like amount each to the satisfaction of learned
Exclusive Special Excise Court No.I, Bhojpur, Ara, in
connection with **Town (Ara) P.S. Case No. 13 of 2025**, subject
to the conditions as laid down under Section 482(2) of the
B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the
petitioner.
- (ii) The petitioner will remain present on each and
every date fixed by the Court below, if so required by the
learned trial Court.

(Arun Kumar Jha, J)

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