

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36168 of 2025

Arising Out of PS. Case No.-339 Year-2025 Thana- MAHUA District- Vaishali

Rahul Kumar, S/o Binod Rai @ Binu Rai R/o Village- Mahua Singh Rae
(Mahua Ramrai), P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sudha, Adv.

For the Opposite Party/s : Mr.Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-06-2025 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Mahua P.S. Case No. 339 of 2025 dated 13.03.2025
registered for the offence(s) punishable under Section 132 of the
B.N.S. and Section 30(a) of the Bihar Prohibition and Excise
Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to the
recovery of 30.06 litres of foreign liquor of different types and
the same is alleged to have been recovered from the *bathan* of
the co-accused Rinku Rai and petitioner has no concerned with
the place of recovery and he has been made accused mainly on
the basis of a disclosure made by the apprehended co-accused



Rinku Rai, with whom the petitioner has no good relation and in this regard the specific statement has been made in paragraph no. 9 of the petition. it is further submitted that the petitioner has clean past and has never remained involved in any kind of activity relating to the Excise Act, therefore, there was no reason for him to be involved with the said co-accused in the alleged acts, hence the alleged offence does not attract the provisions of Section 76(2) of the Bihar Prohibition and Excise Act against this petitioner even *prima facie*. It is lastly submitted that co-accused Anil Kumar carrying similar nature of allegation has been granted the relief of anticipatory bail by the co-ordinate bench of this court vide order dated 21.05.2025 passed in Cr. Misc. No. 33525 of 2025.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the aforesaid submissions advanced by petitioner's counsel and mainly taking into account the facts that petitioner has been made accused mainly on the basis of the disclosure made by the apprehended co-accused Rinku Rai with whom he has no good relation as stated above and the place of recovery is a *bathan* of the apprehended co-accused as appears from the FIR and petitioner has clean past history and also



taking into consideration that one similarly situated co-accused has been granted anticipatory bail by the co-ordinate bench of this court, in my opinion, it is a fit case to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Mahua P.S. Case No. 339 of 2025 on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

(Shailendra Singh, J)

Rajiv/-

U		T	
---	--	---	--

