

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35307 of 2025

Arising Out of PS. Case No.-138 Year-2025 Thana- RAJNAGAR District- Madhubani

Mahendra Rai Son of Jivachh Ray Resident of village - Paliwar, P.S.-
Rajnagar, District – Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Adv. Mr. Vinod Kumar, Adv. Mr. Rajesh Kumar
For the Opposite Party/s :		Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Rajnagar P.S. Case No. 138/2025 registered for the offences punishable under Sections 274, 275 of the B.N.S. and 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 27 liters Nepali country made liquor behind the house of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. The petitioner bears no criminal antecedent. The petitioner was not found at the place of occurrence. No



incriminating article has been recovered from the possession of the petitioner or his house. He further submits that place of recovery is open place and the same is accessible to all. The petitioner has no concern with the seized liquor. The petitioner is not in any way connected with the alleged occurrence. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the aforesaid Sections.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-II cum Special Judge, Excise Act, Madhubani in connection with Rajnagar P.S. Case No. 138/2025, subject to the conditions as laid down under Section



482 (2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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