

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35461 of 2025

Arising Out of PS. Case No.-281 Year-2021 Thana- NADI P.S. District- Patna

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1. Sheet Basant @ Rajesh Kumar S/o Kameshwar Rai @ Bhuneshwar Rai R/o Village- Jethuli, PS- Nadi, Distt. Patna
 2. Ujjawal Kumar @ Jwala Kumar S/o Harendra Rai R/o Village- Jethuli, PS- Nadi, Distt. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Ms. Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 18-06-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Nadi P.S. Case No.-281 of 2021, registered for the offences punishable under Sections 30(a), 34, 36, 41 and 44 of the Bihar Prohibition and Excise Act, 2018.

3. As per allegation, 152 litre of illicit liquor and 190 litre of spirit have been recovered from the house of the co-accused persons and as per further case of the police, the petitioners were also seen to be fleeing away from the houses of co-accused viz., Lok Nath and Bhuwaneshwar Rai.



4. Learned counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that they have nothing to do with the alleged offence and the whole case is based on suspicion and they were not present at the place of occurrence. There is also no legal and cogent material in support of the prosecution case against the petitioners and hence, no prima facie case is made out against the petitioners under the Excise Act and the present anticipatory bail petition is maintainable.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioners have no criminal antecedents.

7. Learned APP for the State vehemently opposes the prayer of the Petitioners for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten



Thousand) each with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Nadi PS. Case No.-281 of 2021, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

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