

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36508 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- RUDRAPUR District- Madhubani

1. Praveen Kumar @ Praveen Prasad Son of Ramashish Raut Resident of village - Rakhwari, Barai Tol, Ward No.- 11, P.S.- Rudrapur, District - Madhubani
2. Pankaj Kumar @ Pankaj Kumar Raut Son of Gangaram Raut Resident of village - Rakhwari, Barai Tol, Ward No.- 11, P.S.- Rudrapur, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-06-2025 Heard Learned counsel for the petitioners and
Learned A.P.P for the State.

2. The petitioners are apprehending arrest in connection with G.R. No.212 of 2025 arising out of Rudrapur P.S. Case No. 39 of 2025 lodged on 30.03.2025, for the offence punishable under Sections 274 & 275 of the Bharatiya Nyaya Sanhita, 2023 read with section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 pending in the Court of District & Additional Sessions Judge-II-cum-Special Judge, Excise Act, Jhanjharpur.

3. As per the prosecution, FIR has been lodged against two named accused persons (present petitioners). Total recovery



of 55.500 litres of foreign liquor has been made which is the subject matter of the present case.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that name of the petitioners has figured in this case on the basis of secret information that petitioners used to keep the wine in a field. Counsel submits that the said place from where the recovery has been made does not belong to the petitioners, rather, it is of another accused person which is apparent from the seizure list. Counsel further submits that the criminal antecedent of the petitioners is not clean and it is due to this reason, they have falsely been implicated in this case. Counsel submits that the petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon them.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that police has recovered the alleged liquor by virtue of the information and criminal antecedent of the petitioners is also not clean, but it is true that the said recovery has been made not from the petitioners' possession, rather, from the field of another accused person.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioners. Accordingly, the



prayer for anticipatory bail of the petitioners are hereby rejected.

7. However, if petitioners surrenders before the Trial Court within a period of 4 weeks from today then in that case, the Trial Court is directed to pass order on their surrender-cum-bail application on the same day considering that whether ingredients of Excise Act is made out against petitioners or not, without being prejudice that the anticipatory bail of the petitioners has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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