

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38724 of 2025

Arising Out of PS. Case No.-42 Year-2025 Thana- Vasudevpur District- Munger

Rahul Kumar S/o- Mukesh Yadav, resident of Mohalla- Shairpur, P.S-
Basudeopur (Kotwali) Dist.-Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parijat Karan, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 25-06-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Basudeopur P.S. Case No. 42 of 2025 dated 23.04.2025 instituted
for the offence punishable under Sections 30(a) of Bihar
Prohibition and Excise Amendment Act, 2018.

3. The allegation is of recovery of total 369.27 litres
foreign liquor from the bushes situated behind the house of Sunil
Mandal.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that nothing has been recovered either
from the conscious possession of the petitioner or from his house.
Only on the basis of confessional statement of Nilesh Kumar, the



petitioner has been made accused in this case. Lastly, it has been submitted that petitioner has seven (7) criminal cases against him.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Basudeopur P.S. Case No. 42 of 2025, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-II, Munger subject to condition as laid down under Section 438(2) of the Cr.P.C., subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
3. The bailor shall also state on affidavit that he



will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

5. The petitioner shall appear before the Police Station of his local area in the first week of each month till the framing of charge in this case.

(Khatim Reza, J)

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