

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39807 of 2025

Arising Out of PS. Case No.-101 Year-2025 Thana- RAHIKA District- Madhubani

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Raja Roy @ Raj Kumar Ray S/o Laldhari Ray @ Shambhu Ray Resident of
Village- Kakraul, P.S.- Rahika, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

For the State : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 09-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Rahika P.S. Case No. 101 of 2025 dated
03.05.2025, registered for the offences punishable under
Sections 274, 275 and 3(5) of BNS and under Sections 30(a),
30(c), 30(d), 30(f), 33 and 41(1) of Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. As per allegation, 12 liter illicit liquor has been
recovered near canal bridge situated in the village-Kakraul and
as per further case of the police, the police has raided the place
of recovery on the information that some persons are
manufacturing illicit liquor. In the course of raid, co-accused
persons have been arrested and as per confessional statement of



the co-accused, the petitioner was also involved in that offence and he has fled away before the police came to raid the place of recovery.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the whole case against the petitioner is based on suspicion and he is no way involved in the alleged offence. He further submits that the name of the petitioner has transpired only on the basis of confessional statement of co-accused and except this material, there is no other cogent material against the petitioner. As such, no offence is made out against the petitioner 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 petitioner has 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 bail petition that the petitioner has two criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named,



to be enlarged on bail, in the event of his 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 his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below, in connection with Rahika P.S. Case No. 101 of 2025, subject to the conditions as laid down under Section 482 (2) 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 petitioner has any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his 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 petitioner.

(Jitendra Kumar, J.)

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