

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41270 of 2025

Arising Out of PS. Case No.-167 Year-2025 Thana- BUXAR District- Buxar

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Anshu Rajak @ Anshu Rajka S/o Karim Rajak R/o Village- Sohani Patti
Buxar, P.S.- Buxar Town, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha 1, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 11-09-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Buxar
(Town) P.S. Case No. 167 of 2025 instituted for the offences
under Sections 126(2), 109, 317(2), 111, 3(5) of the Bharatiya
Nyaya Sanhita, 2023, Section 27 of the Arms Act and Section
30(a) of the Bihar Prohibition and Excise Act.

3. Prosecution case, in short, is that, on 12.04.2025,
acting on a secret information, the Excise Inspector with police
raided Rajghat where liquor was being smuggled by boat from
Uttar Pradesh, during which the accused persons fired on the
raiding party. On search, a Pulsar motorcycle and 76.6 litres of
country-made liquor were recovered.



4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner is not named in the F.I.R. The name of the petitioner transpired in this case during investigation on secret information. Learned counsel further submitted that petitioner has no concern with the alleged recovery of liquor. Petitioner is neither the driver, nor the owner of the motorcycle in question. No specific overt act is alleged against the petitioner. Learned counsel further submitted that no injury has been sustained to any person in the alleged occurrence. It has been submitted on behalf of the petitioner that the petitioner is in custody since 25.04.2025 and has nine criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that this petitioner has nine criminal antecedent registered under the Excise Act. Learned counsel further submitted that as per the confessional statement of the co-accused person, it was this petitioner who fired upon the police party and, therefore, he does not deserve to be released on bail.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



7. Let the petitioner be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Buxar (Town) P.S. Case No. 167 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) 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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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