

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43747 of 2025

Arising Out of PS. Case No.-34 Year-2025 Thana- AMNAUR District- Saran

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Loha Rai @ Kanhaiya Rai @ Kanhaiya Ray S/o Late Deolal Rai R/o Village-
Jahari Pakri Kewari Kala, P.S.- Amnour, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Mili Kumari, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-07-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner who apprehend arrest in connection with Amnour P.S. Case No. 34/2025 lodged on 11.02.2025, for the offences punishable under sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, a total recovery of 15.2 litres of country made is the subject matter of the present case.

4. It is submitted by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present case. The alleged recovery has not been made from the conscious possession of the petitioner; rather, it was effected from a public place situated on the southern side of the canal. The petitioner's name has figured in the case solely on the basis of a disclosure made by the local *Chaukidar*, with whom the



petitioner shares strained relations. It is alleged that due to personal enmity, the *Chaukidar* has maliciously named the petitioner. However, it is submitted that the antecedent of the petitioner is not entirely clean, as he is an accused in another case of similar nature.

5. Learned A.P.P. for the State vehemently opposes the prayer for bail and submits that the petitioner is involved in another case of a similar nature, which prima facie indicates that he is engaged in the trade of illicit liquor.

6. In this background, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner in connection with Amnour P.S. Case No. 34/2025, pending before the learned 1st Exclusive Special Excise Judge, Saran, Chapra, is hereby rejected.

7. However, if the petitioner surrenders before the Trial Court within four weeks from today, the Trial Court is directed to pass an order on his surrender-cum-bail application on the same day, without being prejudiced by the fact that the petitioner's anticipatory bail has been rejected by this Court.

(Dr. Anshuman, J)

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