

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49206 of 2025**

Arising Out of PS. Case No.-35 Year-2023 Thana- BELA INDUSTRIAL District-  
Muzaffarpur

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Rajendra Rai S/o Late Ram Shobhit Rai @ Shobhit Rai R/o Village-  
Bhatwatpur Patedha, P.S.- Sarai, District- Vaishali, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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

ORAL ORDER

2      18-07-2025              Heard learned counsel for the petitioner and learned APP  
for the State.

2.      The petitioner apprehends his arrest in connection  
with Bela P.S. Case No. 35 of 2023 instituted for the offences  
under Sections 272, 273/34 of the Indian Penal Code and  
Section 30(a), 32(ii), 41(i) of the Bihar Prohibition and Excise  
Act.

3.      As per prosecution case, the police has recovered  
total 13731.840 liters of illicit foreign liquor of different brands  
were recovered from seven different vehicles. It is alleged hat  
from the pick-up van bearing Regd. No. BR04N/9838 belonging  
to the petitioner, total 1155.6 liters of illicit liquor was  
recovered.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is the registered owner of the pick-up van bearing Reg. No. BR04N/9838 which is a commercial vehicle and use to run on hire basis by its driver. The petitioner was not aware about the so-called illicit liquor being transported by his vehicle. The petitioner has never indulged in illegal trade, transport or export and import of the illicit liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent.

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

6. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned court below where  
the case is pending/successor court in connection with Bela P.S.  
Case No. 35 of 2023, subject to the conditions as laid down  
under Section 482 (2) of the BNSS.

**(Rudra Prakash Mishra, J)**

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