

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52547 of 2025

Arising out of PS. Case No.-102 Year-2025 Thana- MATIHANI District- Begusarai

Raushan Kumar, S/o- Late Gopal Kumar, R/o Village- Matihani Ps- Matihani
Dist- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhusan Poddar, Advocate

For the Opposite Party/s: Mr. Braj Kishore Pd. (APP)

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner is apprehending his arrest in a case instituted for the offences under Sections 30(a)(c) and 36 of Bihar Prohibition and Excise Act. He has two criminal antecedents, i.e., (i) Lakho P.S. Case No. 105 of 2024 instituted under Section 303(2) of BNSS and (ii) Matihani P.S. Case No. 46 of 2025 under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, the police received a secret information that one accused Prince Kumar had been packing illegal foreign liquor at his house, a raid was conducted and one person was apprehended who disclosed his name as Prince Kumar and further disclosed that one person who ran away is Raushan Kumar (Petitioner) and from the house of the



petitioner 9 litres foreign liquor was recovered.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and the petitioner has no concern with the seized liquor. It is further submitted that the petitioner has been implicated at the behest of the co-accused and no independent witness has come forward to support the seizure. It has lastly been submitted by learned counsel for the petitioner that the petitioner has two criminal cases among which one of the case is of similar nature.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid submissions of learned counsel and nature of allegation, the petitioner, above named, is directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-I, Begusarai in connection with Matihani P.S. Case No. 102 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following



conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner except two above mentioned cases and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.



7. It is made clear that the observations, if any, made
in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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