

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55343 of 2025

Arising Out of PS. Case No.-115 Year-2025 Thana- RAHIKA District- Madhubani

Prakash Kamat @ Prakash Kumar Kamat, aged about 31 years (Male), S/O
Bhogendra Kamat, R/O Village- Rahika, P.S.- Rahika, District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	M/S. Gagandeo Yadav, Udeshya Kumar Yadav and Ravi Prakash, Advocates
For the Opposite Party	:	Mr. Kanhiya Kishor, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 12-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Rahika P.S. Case No. 115 of 2025 dated 19.05.2025 registered for the offences punishable under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 45 litres of illicit Nepali country made liquor was recovered from the motorcycle.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner was not arrested on the spot. It is submitted that no incriminating article has been recovered from



the possession of the petitioner. The name of the petitioner has surfaced in the present case only on the basis of the confessional statement of the apprehended co-accused person, Santosh Sahni, which has got no evidentiary value in the eyes of law. It is further submitted that except the confessional statement of the apprehended co-accused person, namely, Santosh Sahni, there is nothing on record to suggest the implication of the petitioner in the present case. The petitioner is neither the owner nor the pillion rider of the said seized motorcycle in question. The petitioner is not connected with the illicit liquor business regarding sale and purchase. The petitioner has no connection with the apprehended co-accused person, Santosh Sahni. It is further submitted that the other apprehended co-accused person, namely, Santosh Sahni, has already been granted regular bail by a Bench of this Court in Cr. Misc. No. 43028 of 2025 vide order dated 08.07.2025. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, the petitioner, above named, in the event of his arrest



or surrender within a period of six weeks from today, is directed to be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (Excise Court), Madhubani in connection with Rahika P.S. Case No. 115 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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