

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59919 of 2025

Arising Out of PS. Case No.-559 Year-2025 Thana- KANKARBAG District- Patna

Chhotu Kumar @ Chotu Kumar Patel @ Chhotu Ku Patel, S/o Prabhat Kumar Patel, Resident of Ram Krishna Nagar, Goraiya Astham, P.S.- Ram Krishna Nagar, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shadab Akhter, Advocate
For the State : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Kankarbagh P.S. Case No.559 of 2025 (Special Excise Case No. 902 of 2025), dated-25.06.2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per allegation, 86.5 liter of illicit liquor has been recovered from the house of one Ganesh Rai and as per further case of the prosecution, one of the tenants of Ganesh Rai, who is the Petitioner herein, used to do illicit trade of liquor.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this



case by the owner of the house to save his skin. He further submits that no recovery has been made from the possession of the Petitioner, nor was he a tenant of Ganesh Rai at any point of time. He also submits that there is no cogent material against the Petitioner which could connect him to the alleged offence. He also submits that no *prima facie* case is made out against the petitioner and his anticipatory bail petition is maintainable.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below, in connection



with Kankarbagh P.S. Case No.559 of 2025 (Special Excise Case No. 902 of 2025), subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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