

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59813 of 2025

Arising Out of PS. Case No.-86 Year-2025 Thana- NAYAGAON District- Saran

Chhathu Rai @ Chhotu Rai S/O Late Durga Ray R/O Village- Hasanpur, P.S.-
Nayagaon, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate.

For the State : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Nayagaon P.S. Case No. 86 of 2025 dated 15.05.2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per allegation, 15 litres of illicit liquor has been recovered from a cluster of bamboo which is 50 meters away from the house of the petitioner. Further case of the prosecution is that the petitioner was seen to be fleeing away from the place of recovery.

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



case. He further submits that recovery of contraband has been made from an open space accessible to public at large and the entire case of the prosecution is based on suspicion and there is no cogent material to connect the petitioner to the alleged offence. He also submits that no *prima facie* case is made out against the petitioner and hence, the present petition is maintainable and the petitioner deserves to be enlarged on anticipatory bail.

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 been made accused in two other cases in which they are on bail.

7. 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)



each with two sureties of the like amount each to the satisfaction of learned concerned court below, in connection with Nayagaon P.S. Case No. 86 of 2025, subject to the conditions as laid down under Section 482 (2) 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 antecedent other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite their 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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