

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66318 of 2025

Arising Out of PS. Case No.-525 Year-2022 Thana- SURSAND District- Sitamarhi

Rajesh Kumar Pathak S/O Late Hemchandra Pathak Resident of Village-
Moshirha, Ward No. 10, P.S.- Choraut, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr.Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2. In the present case, the petitioner seeks bail in connection with Sursand P.S. Case No. 525 of 2022, registered for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, one co-accused Raj Kishore Mahto was apprehended and from his possession 9 litre country made Nepali liquor was made. While this process has been going on, one pickup van was seen coming towards the police party and a person fled away on seeing the police party. On search of the said pickup van, recovery of 495 litre of country made Nepali liquor was made. The petitioner is said to be the owner of the said vehicle.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from conscious possession of the petitioner. The petitioner has given his vehicle for plying to one Ram Bahadur Rai and he been made accused in this case merely because he is the owner of the alleged vehicle. The petitioner is in custody since 22.07.2025 and he has no criminal antecedents.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the clean antecedent and period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Special Judge Exclusive Excise Court No. II, Sitamarhi/concerned court, in connection with Sursand P.S. Case No. 525 of 2022, subject to the condition laid down under Section 480(3) of the BNSS and other 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 three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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