

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67423 of 2025

Arising Out of PS. Case No.-146 Year-2025 Thana- AURAI District- Muzaffarpur

Mukesh Rai @ Mukesh Kumar Yadav S/o Sukhal Ray @ Sukul Yadav R/o
Village - Dharmpur, P.S - Bokhra, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the State : Mrs. Indu Kumari Srivastava, 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 petitioner seeks bail, apprehending his arrest,
in connection with Aurai P.S. Case No. 146 of 2025, dated
03.07.2025, registered for the offences punishable under Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2022.

3. As per allegation, 785.880 litre of illicit liquor has
been recovered from a pick-up van standing in front of the
house of co-accused Madan Rai. As per further case of the
prosecution, the petitioner was seen to be fleeing away from the
house of co-accused/Madan Rai at the time of recovery of the
contraband from the pick-up van standing in front of the co-
accused, Madan Rai.



4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the allegation against the petitioner is based only on confessional statement of co-accused, who was arrested on the spot, which has no evidentiary value. He further submits that nothing has been recovered from the possession of the petitioner and hence, no prima facie case is made out against him and the 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 Aurai P.S. Case No. 146 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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