

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67485 of 2025

Arising Out of PS. Case No.-323 Year-2017 Thana- LAHERIYASARAI District- Darbhanga

Vishwajeet Kumar Son of Umesh Ray Resident of Village- Tira Jamalpur,
P.S.- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the State : Mr. Upendra Kumar, 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 Laheriyasari P.S. Case No. 323 of 2017, dated 13.08.2017 registered for the offences punishable under Sections 30(a) and 37(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per allegation, 109.230 litre of illicit liquor has been recovered from the house of co-accused, Santosh Mahto and Somnath Mahto and in their confessional statements, they have disclosed that co-accused Sujit Kumar used to supply the contraband to them and it is further case of the police that Sujit Kumar was using a mobile, belonging to the petitioner.

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 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 one criminal antecedent.

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 Laheriyasari P.S. Case No. 323 of 2017, 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 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 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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