

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70717 of 2025

Arising Out of PS. Case No.-736 Year-2021 Thana- MAHUA District- Vaishali

Raja Kumar @ Abhishek Kumar Son of Lalgir Rai @ Lalgir Ray R/O Vill.-
Mahua Ram Rai @ Mahua Singh Rai, P.S.- Mahua, District - Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-10-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with

Mahua P.S. Case No. 736 of 2021 registered for the offence

under sections 30(a), 32(ii), 34(ii), 38(ii) and 41(i) of the

Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the FIR and is

in custody since 08.08.2025.

4. The allegation against petitioner is to engage in

illegal trade of illicit liquor, where, there is recovery of

3158.370 litres of illicit IMFL.

5. Learned counsel appearing on behalf of the

petitioner submitted that petitioner is neither driver nor owner



of the alleged truck and pickup van, from where recovery of illicit liquor was made. It is further submitted that name of this petitioner surfaced on the basis of secret information without any connecting evidence. It is also submitted that admittedly, recovery was not made from conscious physical possession of this petitioner.

6. While concluding argument, learned counsel submitted that petitioner found involved in two more criminal cases, where he is on bail and investigation of this case is already completed, for which charge-sheet has already submitted, and as such, there is no chance of tampering with the evidence.

7. Learned A.P.P. for the State opposes the prayer of bail of the petitioner.

8. In view of aforesaid factual submission and by taking note of the fact as recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner remains in custody since 08.08.2025, accordingly, petitioner, above-named is directed



to be released on bail, furnishing bail bond of Rs. 10,000/-
(Rupees Ten Thousand only) with two sureties of the like
amount each to the satisfaction of learned Exclusive Special
Judge, Excise-II-cum-Additional District and Sessions Judge,
Vaishali at Hajipur/concerned court, in connection with Mahua
P.S. Case No. 736 of 2021, subject to the condition as laid
down under Section 437(3) Cr.P.C/Section 480(3) of the
Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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