

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84906 of 2024

Arising Out of PS. Case No.-280 Year-2021 Thana- BAIKUNTHPUR District- Gopalganj

Brij Kishor Rai @ Brij Kishore Rai @ Braj Kishore Rai S/o- Harendra Rai
Village- Pakaha Ps- Baikunthpur District-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 21-07-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Baikunthpur P.S. Case no.280 of 2021 registered under
Sections 30(a) and 41 of the Bihar Prohibition and Excise Act,
2016.

3. As per the prosecution case, on seeing the police
party, the accused managed to escape. On search, 200 liters of
country made liquor was recovered in a sugar cane field.

4. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the case. The name of
the petitioner has transpired only on confession by local
chowkidar who has inimical terms with the petitioner. There
was no independent witness to the seizure list and no recovery



has been made from the conscious possession of the petitioner or from his house and also the petitioner is not the owner of the said field. The field is an open space which is accessible to everyone. The petitioner has one criminal antecedent, however he is on bail in the said case. He undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. In view of the aforesaid facts, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Baikunthpur P.S. Case no.280 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023 and subject to the further condition that:-

(I) One of the bailors of the petitioner shall be the family member/close relative of the petitioner.

(II) He shall co-operate in the investigation/trial and



would make himself available before the Investigating Officer of the present case on an interval of every 15 days till the investigation is concluded against him.

(III) The learned Court below would however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay, preferably within a period of three weeks.

(Soni Shrivastava, J)

Harsh/-

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