

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83695 of 2025

Arising Out of PS. Case No.-80 Year-2022 Thana- MUSRIGHRARI District- Samastipur

Raj Kumar Rai, S/O Nanhaki Rai @ Krishna Rai @ Krishandev Ray,
Resident of Barah Batta, Barbatta, P.S.- Musrigharari, Distt.-Samastipur,
Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Keshav Bhardwaj, Advocate.
For the State : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 10-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Musrigharari P.S. Case No. 80 of 2022, dated
08.05.2022 registered for the offences punishable under
Sections 30(a), 41(1) and 41(2) of Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. As per allegation, 4176 litres of illicit foreign liquor
has been recovered from a truck bearing registration No. UP-12-
T-9707 which was standing near middle school. No person was
present in the truck. The First Information Report was lodged
against the owner and driver as well as some unknown persons.

4. Learned counsel for the petitioner submits that the



Petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner is neither the owner nor driver of the vehicle. Only claim against the petitioner is that the illicit liquor belongs to him. However, there is nothing on record to show that recovered illicit liquor belongs to the petitioner. He also submits that no *prima facie* case is made out against the petitioner.

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 that no *prima facie* case is made out against the petitioner, **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 Musrigharari P.S. Case No. 80 of 2022, 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 antecedent, 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)

S.Ali/-

U		T	
---	--	---	--

