

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1216 of 2025**

Arising Out of PS. Case No.-366 Year-2020 Thana- KHAJEKALA District- Patna

Nitish Rai @ Nitish Kumar, Aged about- 26 years, Male, S/O Juge Rai @ Jaj Rai, Resident of Village- Mittan Ghat, P.S- Khajekalan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 05-02-2025 Heard Mr. Arvind Kumar Pradhan, learned counsel appearing on behalf of the petitioner and Mr. Sanjay Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Khajekalan P.S. Case No. 366 of 2020 registered for the offence punishable under Section 414 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act as amended up-to-date.

3. Allegation is of recovery of 80 litres of country-made liquor from a motorcycle bearing Registration No. BR01AY-5929.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in the case due to local village politics. The recovery was made



from a motorcycle bearing Registration No. BR01AY-5929, which was parked at a public place and was easily accessible to anyone. Petitioner has no concern with the seized liquor or the motorcycle nor he is involved in trade of liquor in any manner. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and submits that due to sale and consumption of illicit liquor, day after day, hooch tragedy occurs and the State Officials of different department appears to have facilitated smuggling and trade of illicit liquor inside the State of Bihar. As such, involvement of the petitioner cannot be ruled out from illicit trade of liquor.

6. Considering the fact that the recovery of 80 litres of country made liquor from a motorcycle bearing Registration No. BR01AY-5929, which was parked at a public place and was easily accessible to anyone, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of



the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Patna City, in connection with Khajekalan P.S. Case No. 366 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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