

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85365 of 2025

Arising Out of PS. Case No.-189 Year-2025 Thana- KATHAIYA District- Muzaffarpur

Arun Rai S/o Subodh Rai Resident of village - Gawaspur, P.S - Kathaiya,
District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 24-12-2025 Heard the learned counsel for the petitioner and
learned counsel for the State.

2. The petitioner apprehends his arrest in connection with Kathaiya P.S. Case No. 189 of 2025 registered for offences under Sections 317(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 30(a), 32(2), 32(3), 36, 41(1), 41(2) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, the recovery is of 2359.440 liters of foreign liquor from a Scorpio and two pickup vans.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence. He further submits that nothing incriminating has been recovered from the physical possession of the petitioner. The



name of the petitioner has come during investigation. He further submits that the petitioner is ready to deposit Rs. 50,000/- in some charitable organization without accepting his guilt.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case, this application for anticipatory bail is allowed.

7. Accordingly, let the petitioner, above-named, in the event of arrest or surrender within four weeks from today in the Court below, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-II, Muzaffarpur/concerned court below in connection with Kathaiya P.S. Case No. 189 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS and subject to further conditions that:

(I). The petitioner shall deposit an amount of Rs. 50,000/- (Rupees Fifty Thousand Only) in Ramakrishna Mission Sevashrama, Swami Vivekananda Path, Bela, Muzaffarpur, Bihar and produce the receipt of the same before the Court below. The bail bonds of the petitioner shall be accepted after verifying the genuineness of



the receipt produced by the petitioner;

(ii). The petitioner is directed to mark his attendance in Kathaiya Police Station on every Sunday of each month. Failure to do so, will result in cancellation of bail bond of the petitioner;

(iii) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Sandeep Kumar, J)

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