

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11013 of 2026

Arising Out of PS. Case No.-500 Year-2025 Thana- Excise P.S. District- Kaimur (Bhabua)

Rajesh Kushwaha S/o Gopal Ram Pyare Kushwaha Resident of Village-
Gokulpur Khagawal, P.S.- Chandauli, District- Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 17-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with
Excise Bhabua P.S. Case No. 500 of 2025 registered for the
offences under Sections 30(a), 32(i)&(ii), 41(i)&(ii) of the
Bihar Prohibition and Excise Amendment Act, 2022.

3. As per the prosecution story, the allegation against
the petitioner is that he happens to be the owner of the
motorcycle from which 21 liters of liquor was recovered.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case only
because he happens to be the owner of the motorcycle. It has
further been submitted that although the petitioner is the owner



of the motorcycle, he has no concern with the seized liquor. It has next been submitted that the petitioner had given his motorcycle to the co-accused, namely Awadesh Soni, who was apprehended with the alleged liquor on that basis alone the petitioner being the owner of the motorcycle has falsely been implicated. It has lastly been submitted that the petitioner carries clean antecedent.

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

6. Considering the aforesaid submission, facts and circumstances of the case, let the petitioner above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(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 in connection with Excise Bhabua P.S. Case No. 500 of 2025 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his



close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage 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, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for anticipatory bail is allowed.



8. It is made clear that the observation, if any, made
in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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