

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11381 of 2026

Arising Out of PS. Case No.-135 Year-2025 Thana- Hattha District- Muzaffarpur

Raju Kushwaha @ Shyam Mahto@Shyam Kumar S/o Abhimanu Prasad R/o
Village- Matlupur @ Matlapur, Ward No.9, P.S- Hattha, Dist- Muzaffarpur.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha
For the Opposite Party/s: Mr. Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 17-02-2026 Heard learned counsel for the parties.

2. The petitioner is apprehending his arrest in connection with Hattha P.S. Case No.135 of 2025, F.I.R dated 29.12.2025 registered for the offences punishable under Sections 30(a), 41 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, altogether 20.25 liters of illicit liquor was recovered from a motorcycle and one person namely, Sonu Kumar, was apprehended on the spot.

4. Learned counsel for the petitioner submits that the name of the petitioner has transpired solely on the basis of the confessional statement of the apprehended co-accused, namely, Sonu Kumar, who disclosed the name of the petitioner, and this is the only basis for implicating the petitioner in this case. It is further submitted that no liquor or incriminating article has been recovered from the conscious possession of the petitioner, and



he is in no way connected with the seized liquor or the seized vehicle. Lastly, it is submitted that the petitioner has no criminal antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession and / or vehicle belonging to the petitioner, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Special Judge, Excise Court No.II, Muzaffarpur in connection with Hattha P.S. Case No.135 of 2025 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

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