

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2870 of 2025

Arising Out of PS. Case No.-73 Year-2022 Thana- GURUA District- Gaya

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Dhirendra Kumar @ Dhirendra Mehta @ Dhirendra Kumar Mehta, Son of
Sukhlal Mehta, Resident of Village- Jaipur, P.S.- Gurua, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-02-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Gurua P.S. Case No. 73 of 2022, registered for the offences
punishable under Sections 30(a)(b) of Bihar Prohibition and
Excise Act, 2016.

3. The allegation against the petitioner is of
manufacturing and trade of illicit wine. The police conducted
raid in an orchard and apprehended two persons. In course of
search, total 295 litres country made liquor and other utensils
were recovered.

4. Learned Advocate appearing on behalf of the
petitioner contended that the name of the petitioner has



transpired on the disclosure made by the apprehended person and save and except the disclosure, there is no material suggesting the complicity of the petitioner in crime. In fact, on account of one past criminal antecedent of identical nature, the name of the petitioner has been implicated in this case, without there being any material. The alleged recovery has been made from an open orchard which does not belong to the petitioner and, as such, the petitioner had neither any dominion or control over the place in question, nor has any concern with the illicit wine.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the materials available on record, which clearly suggest that nothing has been recovered from the conscious or construction possession of the petitioner, inasmuch as, the alleged recovery is made from an open place and, as such, the bar provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 does not attract, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail



bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-V, Gaya in connection with Gurua P.S. Case No. 73 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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