

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4102 of 2025

Arising Out of PS. Case No.-3 Year-2025 Thana- EXCISE MAHUWA District- Vaishali

Gopal Kumar, (Male), aged about 23 years, S/O Prem Kumar Sah, Resident of Village- Agrail Khurd, Ward No.- 05, P.S- Baligaon, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party : Mr. Dashrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-02-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Mahua Excise P.S. Case No. 03 of 2025 dated 08.01.2025 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 251.760 litres of illicit foreign liquor is said to have been recovered from the hut of the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the



present case. No incriminating article has been recovered from his possession. The alleged recovery of illegal liquor is said to have been recovered from the hut and it has been alleged that the petitioner was apprehended from there. The petitioner denies such type of allegation. It is further submitted that neither the petitioner nor his family member is the owner or title holder of the land nor the hut from where the alleged illegal liquor was recovered. The pucca house of the petitioner is situated 500 meters away from the alleged place of occurrence. He has no concern with the alleged offence. There is no statutory compliance of Section 103 of the BNSS, 2023. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 08.01.2024.

5. Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise No. -II, Vaishali at Hajipur in connection with Mahua Excise P.S. Case No. 03 of 2025.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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