

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8369 of 2025

Arising Out of PS. Case No.-361 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

Basant Dubey @ Basant Kumar Dubey S/O Ashok Dubey @ Ashok Kumar
Dubey Resident of Village- Sasamusa, P.S- Kuchaikote, Distt.- Gopalganj.
... .. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurabh Kumar, Advocate

For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-03-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner is named in F.I.R. and
apprehending his arrest in connection with Kuchaikote P.S. Case
No. 361 of 2024, registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Amendment Act,
2018.

3. The allegation against the petitioners is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 8.500 litres of IMFL/country made liquor from
the bag of the petitioner.

4. Learned counsel appearing on behalf of the petitioner
submitted that alleged illicit liquor appears to be recovered from
one co-accused Sanjeet Yadav carrying bag and on his disclosure
only the name of petitioner transpired in this case, who is a man of



clean antecedent. It is submitted that admittedly recovery of illicit liquor was not made from the physical possession of this petitioner.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as recovery of illicit liquor *prima facie* not appears to be made from the physical possession of this petitioner, who is a man of clean antecedent, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-IV cum Exclusive Special Excise Court No. II, Gopalganj/concerned Court, where the case is pending in connection with Kuchaikote P.S. Case No. 361 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS.

(Chandra Shekhar Jha, J)

veena/-

U		T	
---	--	---	--

