

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8745 of 2025

Arising Out of PS. Case No.-696 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

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Pankaj Kumar Gupta, S/o Jagdish Prasad Sah, R/o Savitri Sadan, Ram Janki
Path, Near Kal Mandir, Hanuman Nagar, Kankarbagh, P.S.- Patrakar Nagar,
Distt.- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Avinash Chandra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-03-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and
apprehending his arrest in connection with Motihari Town P.S.
Case No.696 of 2024 registered under Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Allegation against the petitioner is to engage in
illegal trade/manufacturing of illicit liquor, where there is
recovery of 16.50 liters of IMFL/country-made liquor.

4. It is submitted by learned counsel that the
petitioner is a Post Commander in Railway Protection Force
(in short 'R.P.F.') and from his room, which was occupied by



other R.P.F. personnel, aforesaid illicit liquor was recovered. It is submitted that in the background of recovery, it cannot be said that recovery of illicit liquor was made from conscious physical possession of this petitioner, who is a man of clean antecedent. It is submitted that out of departmental rivalry, the petitioner was implicated with present case.

5. Learned APP opposed the prayer for bail of the petitioner.

6. In view of aforesaid factual submissions and by taking note of fact as recovery of alleged illicit liquor *prima facie* not appears to be made from conscious physical possession of this petitioner, who is a man of clean antecedent, accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Court No.-I, East Champaran, Motihari in connection with Motihari Town P.S. Case No.696 of 2024, subject to the conditions as laid down



under Section 438(2) of the CrPC/under Section 482(2) of
the BNSS.

(Chandra Shekhar Jha, J.)

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