

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11851 of 2025

Arising Out of PS. Case No.-59 Year-2024 Thana- SONAMANI District- Araria

Sanjeet Kumar @ Sanjeev Kumar @ Sanjeet Kumar Singh Son of Ramawatar Singh @ Ramavtar Singh, R/o village- Sinwari Ward no 5, Ps- sonamani Godam, Dist- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-04-2025 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 Sonamani Godam P.S. Case No. 59 of 2024, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3.The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 5.5 litres of IMFL/country made liquor from a bush.

4. Learned counsel appearing on behalf of the petitioner submitted that aforesaid illicit liquor as per allegation, recovered from a bush, developed in the back side of the house of the



petitioner. It is submitted that the place of recovery was admittedly an open place and was accessible by general public and, therefore, it can be safely said that the illicit liquor was not recovered from the physical possession of this petitioner. It is submitted that petitioner found involved in one more criminal case, where he is on bail.

5. Learned APP opposed the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as the recovery of alleged illicit liquor was made from an open place *prima facie* doubting its recovery from conscious physical possession of this petitioner, 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 District and Additional Sessions Judge-cum-Exclusive Special Excise Judge-II, Araria/concerned Court, where the case is pending in connection with Sonamani Godam P.S. Case No. 59 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS, with further condition:-

That the petitioner shall not involve



in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(Chandra Shekhar Jha, J)

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