

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11443 of 2025

Arising Out of PS. Case No.-77 Year-2024 Thana- GHATHO District- Samastipur

Sri Pankaj Kumar @ Pankaj Kumar S/O Sri Shatrudhan Mahto Resident Of
Village- Bahadurpur Armauli, Police Station- Ghatho, Disitriect- Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Adv.

For the Opposite Party/s : Mr. Ramesh Chandra, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-04-2025

Heard the parties

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Ghatho P.S. Case No. 77 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 1000.53 litres of IMFL/country made liquor

4. It is submitted by learned counsel



appearing on behalf of the petitioner that the alleged illicit liquor was recovered from an open and barren field of one Sunil Ray. It is submitted that the petitioner was neither connected with said place from where alleged recovery was made nor with alleged illicit liquor. It is submitted that merely on the basis of suspicion as gathered from co-villagers name of the petitioner was involved in present case. It is submitted that reason for implication is also suspicion arising out of his criminal antecedent as petitioner also found involved in two similar nature of case.

5. Learned APP, opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as recovery of illicit liquor *prima-facie* from an open field accessible by general public negating recovery of illicit liquor from conscious physical possession of this petitioner coupled



with the fact that the name of the petitioner transpired on the basis of the disclosure made by unknown co-villager/local chowkidar, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, 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 Exclusive Special Judge Excise I, Samastipur /concerned Court, where the case is pending in connection with Ghatho P.S. Case No. 77 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

Sudha/-

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

