

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24654 of 2025

Arising Out of PS. Case No.-324 Year-2024 Thana- ISLAMPUR District- Nalanda

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1. Suraj Kumar S/o- Sanjay Prasad Resident of village- Khagari Bigha P.S- Islampur District- Nalanda.
 2. Guddu Kumar S/o- Dilip Yadav Resident of village- Khagari Bigha P.S- Islampur District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Islampur P.S. Case No. 324 of 2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The police on a tip-off trafficking of illicit wine, conducted raid, however, noticing the police party, two persons after throwing gallons from their hand and leaving their motorcycle bearing registration no. BR01HA 3533, succeeded in fleeing away. On search, 50 lts. of country made liquor was recovered.



4. Learned counsel for the petitioners referring to the FIR contended that the petitioners have neither any concern with the motorcycle in question nor with the illicit wine. However, only on account of one criminal antecedent of identical nature, as has been disclosed in para-3 of the bail application, their names have been implicated in this case without there being any cogent material. The disclosure of the name of the petitioners by local persons also does not inspire any confidence in absence of their names, not disclosed by the police. Infirmities have also been shown in the search and seizure and further submission has been made that there is no independent witness to the seizure. This also smacks *mala fide* on the part of the police personnel when the recovery has been made in a public place.

5. On the other hand, learned counsel for the State vehemently opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners have no concern with the motorcycle in question from where recovery has been made, coupled with the infirmities in the search and seizure and there is no material attracting bar under Section 72 of the Bihar Prohibition and Excise Act, 2016, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the



learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IV-Special Judge, Excise-II, Nalanda in connection with Islampur P.S. Case No. 324 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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