

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23930 of 2025

Arising Out of PS. Case No.-138 Year-2024 Thana- EXCISE PATORI District- Samastipur

Shyam Kumar S/o Harivansh Ray R/o Village- Shahpur, Undi, P.S.- Patori,
District- Samastipur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Kumar

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-05-2025 Heard the parties

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Patori Excise P.S. Case No. 138 of 2024 registered for the offences punishable under Section 30(a) of the Excise Act.

3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 96.840 liters of country made liquor.

4. It is submitted by learned counsel appearing on behalf of the petitioner that the name of the petitioner transpired in present case on the basis of disclosure of



apprehended co-accused, namely, Bholu Kumar. It is submitted that as petitioner was not apprehended at the spot, it can be safely said that the illicit liquor was not recovered from his physical possession. It is pointed out that petitioner found involved in one more criminal case of similar nature, where he is on bail.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submission and by taking note of fact as, recovery of illicit liquor *prima-facie* not appears to be made from the conscious physical possession of this petitioner, 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 Special Judge Excise- 02, Samastipur/ concerned Court, where the case is pending in connection with Patori Excise P.S. Case No. 138 of 2024, subject to the conditions as laid



down under Section 482(2) of BNSS., subject to
condition that :-

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.”

(Chandra Shekhar Jha, J)

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