

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24371 of 2025**

Arising Out of PS. Case No.-59 Year-2025 Thana- SINGHESHWAR District- Madhepura

1. Dinesh Sardar @ Munna Sardar S/o Late Gonar Sardar @ Goner Sardar
2. Prakash Sardar @ Prakash Kumar S/o Mahendra Sardar @ Mahindra Sardar  
R/o vill - Guru tara, ward no. 1, P.S.- Singheshwar, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      02-05-2025                      Heard Mr. Uday Chand Prasad, learned counsel  
appearing on behalf of the petitioners and Mr. Uma Shankar  
Prasad Singh, learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with  
Singheshwar P.S.Case No.59 of 2025, registered for the offences  
punishable under Sections 30(a) of the Bihar Prohibition and  
Excise Act, 2022.

3. As per the allegation made in the FIR, total 40 ltrs.  
of country-made liquor and 25 bottles of codeine cough syrup  
each containing 100 ml. (total 2.500 ltr.) was recovered from the  
plastic gallon.

4. Learned counsel appearing on behalf of the  
petitioners submitted that the recovery has been made from the



bank of the river near a hut. The said hut does not belong to the petitioners. Petitioners have no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners. He submitted that so far as recovery of 2.500 ltr. of codeine cough syrup is concerned, in the light of *Hira Singh & Anr. vs. Union of India & Anr.* case reported in *(2020) 20 SCC 272*, the petitioners do not deserve to be released on pre-arrest bail. He further submitted that the recovery has been made from the bank of the river near a hut and the FIR reveals that the hut belongs to the petitioners.

6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the FIR and the seizure list, showing recovery of total 40 ltr. country-made liquor and 2.500 ltr. codeine cough syrup, the same has been recovered from open place, which is easily accessible to anyone.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional



District & Sessions Judge V cum Special Judge, Excise I, Madhepura/successor court in connection with Singheshwar P.S.Case No.59 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS.

8. The District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para- 3 of the bail petition, this order will automatically lose its force.

**(Purnendu Singh, J)**

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