

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25761 of 2025

Arising Out of PS. Case No.-313 Year-2024 Thana- NAUTAN District- Siwan

Parduman Kumar Sah @ Parduman Gond, Male, aged about 24 years, Son of
Om Prakash Sah @ Omaprakash God @ Om Prakash Gond, Resident of
Village- Chitmath, P.S. - Mairwa, District - Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar, Advocate

For the Opposite Party : Mrs. Sangeeta Sharma, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 08-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Nautan
P.S. Case No. 313 of 2024 dated 04.12.2024 registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 288 litres of illicit
country made liquor was recovered from the two motorcycles,
out of which, 162 litres of illicit country made liquor was
recovered from the motorcycle which was driven by the co-
accused Amit Kumar and the petitioner was a pillion rider and
after seeing the police, he fled away from the place of
occurrence.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. The petitioner was not arrested on the spot. His name has come in the present case on the basis of the confessional statement of the apprehended co-accused person Amit Kumar which has got no evidentiary value in the eyes of law. No incriminating article has been recovered from his possession. It is further submitted that the petitioner is neither the owner of the motorcycle in question from which 162 litres illicit liquor was recovered nor he has any concern with the seized illicit liquor. There is no statutory compliance of Section 103 of the B.N.S.S., 2023. It is further submitted that the other co-accused person, namely, Ritik Sah, has already been granted bail by a Bench of this Court in Cr. Misc. No. 9457 of 2025 vide order dated 18.03.2025, annexed as Annexure-P/2 to the present bail petition. The petitioner has six criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 06.03.2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of



the case as well the period of custody, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Exclusive Special Excise Court, Siwan/Successor Court in connection with Nautan P.S. Case No. 313 of 2024 with further condition:-

I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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