

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29325 of 2025

Arising Out of PS. Case No.-37 Year-2025 Thana- UDWANTNAGAR District- Bhojpur

1. Mukesh Kumar Singh @ Mukesh Kumar S/o- Makhan Singh Resident Of Village- Masadr Tola @ Udwanthnagar, Gajrajganj, Op Bhojpur
2. Munna Kumar Singh @ Munna Kumar S/o- Makhan Singh Resident Of Village- Masadr Tola @ Udwanthnagar, Gajrajganj, Op Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Krishna, Adv.

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-05-2025 Heard the learned Advocate for the petitioners and the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Udwanthnagar P.S. Case No. 37 of 2025, registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. The allegation against the petitioners is of involved in trafficking of illicit wine. The police on a secret information conducted raid nearby the bank of Banas river and in course of search, recovered 90 liters of country made liquor.

4. Learned Advocate for the petitioners taking this Court through the FIR has contended that the alleged recovery



has been made nearby the bank of the river, which is an open place, easily accessible to all. However, save and except suspicion, there is no material suggesting the complicity of the petitioner in the crime. There are various other infirmities in the search and seizure, coupled with the fact that the witnesses are none else but the police personnel and even during the course of investigation, no material has come suggesting the complicity of the petitioner in crime. It is further contended that so far the petitioner no. 1 is concerned, he is having fair antecedent and whereas petitioner no. 2 bears one criminal antecedent and in fact, this is one of the reason for false implication of the petitioners in the crime.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that apart from the fact that the petitioners are named accused in the crime, one of them carrying a criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from an open place, easily accessible to all, coupled with the infirmities in the search and seizure as also the absence of materials, which attract the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let



the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge, Excise Court No. - II, Bhojpur at Arah in connection with Udwantnagar P.S. Case No. 37 of 2025, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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