

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26154 of 2025

Arising Out of PS. Case No.-52 Year-2025 Thana- KUNDWACHAINPUR District- East
Champaran

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Ganesh Sah S/O Late Sankar Sah Resident of village- Basantpur, Ps- Kundwa
Chainpur, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aditya Kumar Pandey
For the Opposite Party/s : Ms.Pushpa Sinha.1

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-05-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Kundwa Chainpur P.S. Case No. 52 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The police in course of patrolling intercepted two motorcycles, however noticing the police party, out of three persons, one of them has succeeded in fleeing away. In course of search, 67.5 litres of illicit wine was recovered from the respective motorcycles..

4. Learned Advocate for the petitioner submitted that the petitioner has neither any concern with the motorcycle in question nor with the recovered illicit wine. Save and except the



disclosure made by the apprehended persons, there is no material suggesting the complicity of the petitioner in the crime. The aforesaid fact also fortified for the simple reason that the petitioner bears fair antecedent and he has never been found indulged in such activities. It is further contended that even during the course of investigation neither any recovery has been made from the whereabouts of the petitioner nor there is any substantive material which attracts the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016.

5. On the other hand, learned Advocate 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 petitioner has no concern with the alleged motorcycle or the illicit wine, coupled with the fair antecedent and absence of any material which attracts the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the petitioner abovenamed be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned



Special Judge, Excise Court No. 3, East Champaran, Motiihari
in connection with Kundwa Chainpur P.S. Case No. 52 of 2025,
subject to the conditions laid down in Section 482(2) of the
Bharatiya Nagrik Suraksha Sanhita, 2023, with the further
condition that one of the bailors shall be the own/close family
members of the petitioner.

(Harish Kumar, J)

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