

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31025 of 2025

Arising Out of PS. Case No.-477 Year-2024 Thana- MAIRWAN District- Siwan

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Tufani Pasi @ Manish Kumar Pasi, S/o- Late Mahesh Pasi, Resident of
Village - Vishunpura, P.S. - Mairwa, District – Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Mairwa P.S. Case No. 477 of 2024 registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2022.

3. The allegation against the petitioner is of involved
in trade of illicit wine; the police conducted raid at Vishunpura
Bazar. However, noticing the police party, five persons who
were assembled there succeeded in fleeing away. In course of
search, total 50 lts. of *Mahua* liquor was recovered. The local
Chowkidar identified the persons, who succeeded in fleeing
away and one of them is said to be petitioner.

4. Learned counsel for the petitioner taking this Court



through the FIR and the seizure list has contended that the alleged recovery has been made from the market, which is an open place and easily accessible to all. Identification of the petitioner by the local Chowkidar also does not inspire confidence as they are the persons of different places. There are various other infirmities in search and seizure, coupled with the non-compliance of Sections 103 and 105 of the BNSS. Moreover, the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the proceedings of the Court.

5. On the other hand, learned counsel for the State opposed the bail application.

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, coupled with the fair antecedent and the lack of materials attracting the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned



Exclusive Special Judge Excise, Court No.1, Siwan in connection with Mairwa P.S. Case No. 477 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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