

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27296 of 2025

Arising Out of PS. Case No.-44 Year-2025 Thana- MOHANPUR District- Samastipur

Kapil Ray, S/o Late Jamun Ray, R/o Village- Telgama, P.S.- Mohanpur, Distt-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Om Prakash Om, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-05-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Mohanpur P.S. Case No. 44 of 2025, registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2022.

3. The police on a tip off trafficking of illicit wine
raided the house of the petitioner, however noticing the police
party allegedly the petitioner succeeded in fleeing away and his
son Sunil Kumar caught hold by the police. In course of search,
total 4.5 liters Indian made foreign liquor was recovered.

4. Learned Advocate appearing on behalf of the
petitioner contended that, in fact, the alleged recovery has been



made from a joint family house where several persons reside and, as such, the petitioner cannot be held accountable for the same. It is further contended that in fact on the alleged date of occurrence the police caught hold the son of the petitioner and when the protest was made by the family members, the name of the petitioner has been implicated in the case only on account of he being father of Sunil Kumar. The petitioner has never been found indulge in such type of activity and this fact also fortified with the fair antecedent of the petitioner, as has been disclosed in paragraph 3. The person who was allegedly found responsible has already been arrested and thus, in no circumstances, the entire family can be made accused.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and taking this Court through the seizure list it is submitted that the recovery has been made beneath the staircase of the house.

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 a joint family house where several persons reside and moreover, the son of the petitioner has already been arrested and only because of the fact that the petitioner being father, his name has been implicated, apart from



the fact there is no other material suggesting the complicity of the petitioner in crime, coupled with his fair antecedent and the absence of material which attracts the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the petitioner above named 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 Exclusive Special Judge, Excise, IInd, Samastipur in connection with Mohanpur P.S. Case No. 44 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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