

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27325 of 2025

Arising Out of PS. Case No.-134 Year-2025 Thana- EXCISE MAHARAJGANJ District-
Siwan

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Munna Kumar Singh @ Munna Singh, S/o Suresh Singh, R/V- Baghi
Baijubarhogh, P.S- Basantpur, Dist.-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-05-2025 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 Maharajganj Excise P.S. Case No. 134 of 2025, registered
for the offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act, 2016.

3. The police on a tip off trafficking of illicit wine
conducted raid and altogether 657.360 litres of illicit liquor was
recovered near a pond. The petitioner who is said to have been
involved in the crime succeeded in fleeing away after noticing
the police party.

4. Learned Advocate appearing on behalf of the
petitioner contended that in fact from the FIR and the seizure



list it would be evident that the alleged recovery has been made from a nearby pond which is an open place easily accessible to all and for that the petitioner cannot be held accountable. The false implication of the petitioner is writ large for the simple reason that in the vicinity, if there is any recovery of illicit wine, the name of the petitioner is implicated, which compelled the petitioner to file an application before the Inspector General of Police who directed the concerned Superintendent of Police to enquire the matter. Further submission has been made that even during the course of investigation no material has surfaced, suggesting the complicity of the petitioner in crime. The petitioner has no concern with the alleged recovered illicit wine, apart from there are various other infirmities in the search and seizure. The petitioner undertakes before this Court that he will fully cooperate in the investigation and the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submitted that the recovery of huge quantity of illicit wine nearby the house of the petitioner coupled with the criminal antecedent of identical nature clearly suggest his involvement. However, he fairly contended that so far the submission of the petitioner to the



extent that enquiry is being done at the level of the Superintendent of Police, Siwan is concerned, the same is true

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made nearby a pond, which is an open place easily accessible to all and there is no other material attracting 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.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge II, Siwan in connection with Maharajganj Excise P.S. Case No. 134 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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