

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29072 of 2025

Arising Out of PS. Case No.-56 Year-2025 Thana- RAGHUNATHPUR District- Siwan

Sandip Ram @ Sandip Kumar Ram, S/o Ramjanm Ram, R/o village-
Phoolwaria, P.S. - Raghunathpur, Dist. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Rekha Ranjan Prasad, Advocate
		Mr. Dilip Kumar Roy, Advocate
For the Opposite Party/s	:	Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-05-2025 Heard Ms. Rekha Ranjan Prasad, learned Advocate
for the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Raghunathpur P.S. Case No. 56 of 2025 registered for the offence punishable under Section Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

3 The allegation against the petitioner is of indulged in the trade of illicit liquor. The police on a secret information conducted raid, however, noticing the police party, two persons present there succeeded in fleeing away. They were identified by the local *Chaukidar* and one of them is said to be the petitioner. In course of search total 100 litres of *Mahua Chulai* liquor was recovered.



4. Learned Advocate for the petitioner taking this Court through the F.I.R. and the seizure list contended that the alleged recovery has been made from an open place, which is known as *Jin Baba*, situated in the village Amwari. Save and except the disclosure made by the local *Chaukidar*, there is no material suggesting the complicity of the petitioner in the crime. The petitioner is having fair antecedent, as also the infirmities in the search and seizure; moreover, there is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. On the other hand, learned APP for the State opposes 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, easily accessible to all, coupled with the infirmities in the search and seizure and the lack of the ingredients provided under Section 76(2) of the of the Bihar Prohibition and Excise Act, 2016, as also the fair antecedent of the petitioner, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like



amount each to the satisfaction of learned Exclusive Special
Excise Court No.-II, Siwan in connection with Raghunathpur
P.S. Case No. 56 of 2025, subject to the condition as laid down
under Section 482 (2) of the Bharatiya Nagarik Suraksha
Sanhita, 2023 with the further condition that one of the bailors
shall be the own/close relative of the petitioner.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

