

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27308 of 2025

Arising Out of PS. Case No.-83 Year-2025 Thana- SISWAN District- Siwan

Jeewan Kumar @ Jeewan Kumar Mahto @ Jiwan Kumar Mahto, S/o Krishna Chauhan @ Gungun Mahto, Resident of Village- Ghurghat, P.S.- Siswan, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, 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 Siswan P.S. Case No. 83 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 a raid, however noticing the police party the persons who were standing at the place of occurrence succeeded in fleeing away. On search total 123.480 litres country made liquor was recovered from a field, leading to preparation of seizure list. The local villagers disclosed the name of the petitioner and



one Rabindra Yadav, alleging their involvement in the crime.

4. Learned Advocate appearing on behalf of the petitioner drawing the attention of this Court to the FIR and the seizure list has contended that the alleged recovery has been made from an open pigeon pea field (Arher field), which is an open place, easily accessible for all. The petitioner has neither any concern with the place from where recovery has been made, nor with the illicit wine. However, there is no compliance of Section 103 and 105 of the B.N.S.S., 2023, coupled with the fact that the petitioner bears fair antecedent. The disclosure of the petitioner by the local villagers also does not inspire any confidence in absence of the name of the villagers, who disclosed the name of the petitioner.

5. On the other hand, learned Advocate for the State opposed the pre-arrest 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 absence of any 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 Excise Court No. II, Siwan in connection with Siswan P.S. Case No. 83 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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