

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31419 of 2025

Arising Out of PS. Case No.-32 Year-2025 Thana- Panchanpur District- Gaya

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Sharwan Kumar @ Sharwan Chaudhary, S/O Ashok Chaudhary @ Ashok Chaudhary, R/O Vill.- Vishunganj, P.S.- Panchanpur, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-05-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Panchanpur P.S. Case No. 32 of 2025 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 engaged in trade of illicit liquor, the police on a secret information conducted raid and recovered 22.625 litres of Indian made foreign liquor and also 10 litres of country made liquor, which were kept behind the paddy straw in a field.

4. Learned Advocate for the petitioner taking this Court through the F.I.R. contended that admittedly the recovery has been made beneath the paddy straw, kept in an open field, which is accessible to all. The petitioner has neither any concern



with the field, in question, from where recovery has been made nor with the illicit liquor. Only on account of disclosure made by the local *Chaukidar*, the name of the petitioner has been implicated in this case without there being any substantive material. Moreover, the identification made by the *Chaukidar* is still doubtful. It is further contended that there are various other infirmities in the search and seizure, coupled with the non-compliance of the provisions of Sections 103 and 105 of the BNSS and the witnesses are non-else, but the police personnel. The petitioner is having fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceedings of the court

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 recovery has been made from an open field, coupled with the infirmities in the search and seizure, as also the fair antecedent and the absence of the materials attracting the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 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 incharge Special Judge, Excise Court No.2, Gaya in connection with Panchanpur P.S. Case No. 32 of 2025, subject to the condition as laid down under 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)

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