

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31215 of 2025

Arising Out of PS. Case No.-74 Year-2025 Thana- KALYANPUR District- Samastipur

Gyaneshwar Kumar @ Mangaru @ Gyaneshwar, S/o Baiju Singh, R/o
Village- Mandaidih, P.S.- Patepur, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-05-2025 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 Kalyanpur P.S. Case No. 74 of 2025, registered for the
offences punishable under Sections 30(a) and 41(1) of the Bihar
Prohibition & Excise (Amendment) Act, 2022.

3. The allegation against the petitioner is of involved
in trade of illicit wine. The police in course of vehicle checking
intercepted a pick-up van and apprehended the driver Sonu
Kumar. In course of search, total 1305 litres of Indian made
foreign liquor was recovered. The apprehended co-accused
disclosed the name of petitioner and others as liquor dealer.

4. Learned Advocate appearing on behalf of the



petitioner taking this Court through the FIR contended that save and except the disclosure made by the apprehended person that too before the police, there is no other material suggesting the complicity of petitioner in crime. There is various other infirmities in the search and seizure, coupled with non-compliance of Section 103 and 105 of the Bharatiya Nagarik Suraksha Sanhita, 2023. In fact, the reason for false implication of the petitioner is said to be one criminal antecedent of identical nature. The petitioner has neither any concern with the pick-up van in question, nor with the illicit wine.

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 a pick-up van and save and except the disclosure made before the police, there is no 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.10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the learned Exclusive Special Judge, Excise, First, Samastipur in connection with Kalyanpur P.S. Case No. 74 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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