

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31132 of 2025

Arising Out of PS. Case No.-134 Year-2025 Thana- BAHADURPUR District- Darbhanga

Prakash Jha @ Prakash Kumar Jha S/o Uday Chandra Jha @ Uday Jha R/o
Village- Rampur Madan, P.S.- Bahadurpur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ugranath Mallik

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-05-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Bahadurpur P.S. Case No. 134 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The allegation against the petitioner is of involved in trade of illicit wine. The police conducted raid and recovered 28.380 litres Indian made foreign liquor from a bamboo orchard.

4. Learned Advocate for the petitioner taking this Court through the FIR and the seizure list contended that admittedly the alleged recovery has been made from a bamboo orchard which does not belong to the petitioner; moreover the petitioner has neither any concern with the illicit wine nor



during course of investigation any material has surfaced suggesting the complicity of the petitioner. Only on account of one criminal antecedent of identical nature, the name of the petitioner has been implicated in this case without there being any material. There are other infirmities in search and seizure, coupled with the non compliance of Sections 103 and 105 of BNSS.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that there are ample material suggesting the complicity of the petitioner.

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 bamboo orchard which is an open place easily accessible to all, coupled with the infirmities in search and seizure as also the absence of material attracting rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the petitioner abovenamed 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 Special Judge-I, Excise Act, Darbhanga in connection with Bahadurpur 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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