

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31035 of 2025**

Arising Out of PS. Case No.-131 Year-2025 Thana- Excise P.S. District- Nalanda

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1. Ganesh Kumar, Son Of Ram Lagan Singh, Village- Kule, P.S- Nalanda, District -Nalanda At Biharsharif
  2. Trilok Kumar @ Alok Kumar @ Hira, Son Of Ram Lagan Singh, Village- Kule, P.S- Nalanda, District -Nalanda At Biharsharif

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha, Advocate

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      19-05-2025                      Heard learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Excise P.S. Nalanda Case No. 131 of 2024, registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment Act) 2023.

3. The allegation against the petitioners is of involved in trafficking of illicit wine. The police conducted raid and recovered 21.630 liters Indian made foreign liquor and the beer. On noticing the police party, the petitioners who were present there at the place of occurrence, succeeded in fleeing away.



4. Learned Advocate appearing on behalf of the petitioners contended that save and except the suspicion and the disclosure made by the spy, there is no material suggesting the complicity of the petitioners in the crime. Admittedly the alleged recovery has been made nearby the Thakurbari at village Phool. The petitioners has neither any concern with the place of occurrence, nor with the illicit wine and only on the disclosure made by spy, their names have been implicated. Moreover, both the petitioners are own brothers, having absolutely fair antecedent. There are various other infirmities in the search and seizure, coupled with the non-compliance of Section 103 and 105 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and the witnesses are none else, but the police officials.

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 easily accessible to all, coupled with the fair antecedent and the absence of any materials attracting the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the petitioners above named be released on bail, in the event of their 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, Excise, 2<sup>nd</sup> Nalanda at Biharsharif in connection with Excise P.S. Nalanda Case No. 131 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)**

supratim/-

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