

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31361 of 2025**

Arising Out of PS. Case No.-135 Year-2025 Thana- SONBERSA District- Sitamarhi

1. Chandan Kumar Son of Ramsudhar Rai, Resident of Village - Lalbandi Darbar (Hanumannagar), Police Station - Sonebarsa, District - Sitamarhi.
2. Bhola @ Amresh @ Amresh Kumar, Son of Dular Rai Resident of Village - Lalbandi Darbar (Hanumannagar), Police Station - Sonebarsa, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.  
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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

2      15-05-2025                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. The petitioners apprehends their arrest in connection with Sonebarsa P.S. Case No. 135 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 petitioners is of involved in trafficking of illicit wine; the police on a secret information conducted raid. However, noticing the police party, two persons, who were present there succeeded in fleeing away taking advantage of dark night. In course of search, 558 lts. of illicit Nepali liquor was recovered, which was concealed in a paddy



straw.

4. Learned counsel for the petitioners contended that admittedly, the alleged recovery has been made from the heap of paddy straw, which was kept in an open place and said to be behind the house of the petitioner no.1. The petitioners have no concern with the place from where the alleged recovery has been made nor with the illicit wine. However, only on account of the fact that the petitioner no.1 is carrying one criminal antecedent of identical nature, his name has been implicated in this case. So far the petitioner no.2 is concerned, he bears fair antecedent. Save and except the recovery behind the house of the petitioner no.1, there is no material suggesting complicity of the petitioners in the crime. The witnesses to the seizure list are none else but the police personnel; apart from serious infirmities in search and seizure. There is no compliance of Sections 103 and 105 of the BNSS. The petitioners undertake that they will fully cooperate in the investigation and the proceedings of the Court.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the FIR and the seizure list,



which suggest that the alleged recovery has been made from an open place, easily accessible to all, coupled with the infirmities in search and seizure as also the absence of ingredients attracting the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, Sitamarhi in connection with Sonebarsa P.S. Case No. 135 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioners.

**(Harish Kumar, J)**

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