

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31054 of 2025

Arising Out of PS. Case No.-123 Year-2025 Thana- MUFFASIL District- Aurangabad

Pramod Chaudhary Son of Lalu Chaudhary @ Lalak Chaudhari Resident of
village - Kapasiya, P.S.- Mufassil (Aurangabad), District - Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rupa Kumari

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-05-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Muffasil P.S. Case No. 123 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 selling of illicit wine. The police conducted a raid and recovered 10 litres of country made wine nearby the palm tree. Noticing the police party, one person succeeded in fleeing away, who has been later on identified as the petitioner.

4. Learned Advocate for the petitioner submitted that in fact on account of past criminal antecedent of identical nature, as has been disclosed in paragraph-3, the name of the petitioner has been implicated in this case only on suspicion.



Admittedly, the alleged recovery has been made from an open field nearby the palm tree and, thus, the, petitioner cannot be held accountable for the same. There are various other infirmities in search and seizure, coupled with the non compliance of Section 103 of BNSS.

5. On the other hand, learned Advocate for the State vehemently opposed the 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 fact of doubtful identification of the petitioner and the infirmities in search and seizure as also lack of ingredients 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 District and Additional Sessions Judge-cum-Exclusive Special Judge, Excise Court No. 1st, Aurangabad in connection with Muffasil P.S. Case No. 123 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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