

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31473 of 2025

Arising Out of PS. Case No.-78 Year-2023 Thana- EXCISE PATORI District- Samastipur

Shivnath Kumar @ Shivnath Ray, son of Late Bateshwar Ray, R/o Village
-Shahpur Undi, Ward No 13, P.S-Patori, District -Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Excise (Patory) P.S. Case No. 78 of 2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The allegation against the petitioner is of sale of illicit liquor; the police conducted raid. However, noticing the police party, one person succeeded in fleeing away after throwing a plastic bag. On search, total 1.635 lts. of illicit liquor was recovered. Local people disclosed the name of the petitioner.

4. Learned counsel for the petitioner contended that only on account of two past criminal antecedent, out of which,



one relates to Excise, the name of the petitioner has been implicated in this case. The petitioner has neither any concern with the betel shop nor with the alleged illicit wine. There are various infirmities in search and seizure, coupled with the non-compliance of Sections 103 and 105 of the BNSS. The petitioner undertakes that he will fully cooperate in 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 fact that the alleged recovery has been made from an open place and the disclosure of the name of the petitioner by the local persons is under cloud, coupled with the infirmities in search and seizure as also the absence of substantive materials attracting the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the above named petitioner, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-II, Samastipur in connection with Excise (Patory) P.S.



Case No. 78 of 2023, 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 petitioner.

(Harish Kumar, J)

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