

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34392 of 2025

Arising Out of PS. Case No.-161 Year-2025 Thana- SONEPUR District- Saran

Shivam Kumar S/o Kanshilal Ray Resident of village- Parmanandpur, P.S.-
Sonepur, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-05-2025

Heard the parties

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Sonepur P.S. Case No. 161 of 2025 registered for the offences punishable under Section 30(a) of the Excise Act.

3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 225 liters of country made liquor.

4. It is submitted by learned counsel appearing on behalf of the petitioner that as per seizure list the recovery of illicit liquor was made from “*diara*” (river



bed), which is an open place and accessible by general public. It is submitted that in view of same it can't be said that recovery of illicit liquor was made from the physical possession of this petitioner. It is also pointed out that petitioner found involved in two more criminal cases of similar nature.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual and legal submission and by taking note of fact, as recovery of illicit liquor *prima-facie* not appears to be made from the conscious physical possession of petitioner, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Exclusive Special Excise Judge Saran at Chapra / concerned Court, where the case is pending in connection with Sonapur P.S. Case No. 161 of 2025, subject to the



conditions as laid down under Section 482(2) of BNSS,
subject to further condition:-

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.”

(Chandra Shekhar Jha, J)

Sudha/-

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