

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39640 of 2025**

Arising Out of PS. Case No.-155 Year-2024 Thana- BIRPUR District- Supaul

Sanjay Gohiwar @ Sanjay Kumar S/o Ramprashad Yadav @ Ram Prashad  
Gohiwar@Ramprasad Gohiwar R/o Vill- Birpur, Ward No. 13, P.S.- Birpur,  
Distt- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kumar Goutam, Advocate  
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

2      24-06-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Birpur  
P.S. Case No. 155 of 2024 instituted for the offences under  
Sections 30(a) of the Bihar Prohibition and Excise Act and  
Sections 8(c), 21(b), 29 of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 4.5 litres of  
liquor and 6.83 grams brown sugar has been recovered in this  
case.



4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner is in custody since 26.08.2024 and has three criminal antecedents. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged recovery. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. Learned counsel further submitted that charge-sheet has been filed without FSL report. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the quantity of recovered contraband being less than commercial quantity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Birpur P.S. Case No.  
155 of 2024.

Alok Verma/-  
**(Rudra Prakash Mishra, J)**

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