

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51902 of 2025

Arising Out of PS. Case No.-651 Year-2025 Thana- Excise P.S. District- East Champaran

Pannalal Sah @ Pannalal Prasad S/o Late Ramanand Jaisawal R/o Village-
Madhuban Ghat, P.S.- Muffasil, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-08-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Excise P.S. Case No. 651 of 2025, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. The allegation against the petitioner is of involved in trafficking of illicit wine; the police on secret information conducted a raid and apprehended one Ajad Hussain. In the meanwhile, the police also saw that one person, who is carrying a sack in his hand trying to flee away. However, when the police chased him, he succeeded in fleeing away by throwing the bag after taking benefit of darkness. In course of search, total 36.08 litres of illicit liquor and beer have been recovered.

4. Learned Advocate for the petitioner submitted that



the alleged recovery has been made from an open place easily accessible to all. The identification of the petitioner in the dark night, without any means appears to be wholly doubtful. In fact, on account of past two criminal antecedent of identical nature, the name of the petitioner has been implicated in this case, without there being any cogent materials. No recovery has been made from the whereabouts or constructive possession of the petitioner. The recovery from an abandoned place, without there being any connection of the same with the petitioner is nothing but malafide on the part of the police personnels. All the more, the witnesses to the search and seizure are none else but the police personnels, besides other infirmities.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that the name of the petitioner has been disclosed by the apprehended person.

6. Having considered the submissions set forth by the learned Advocates for the respective parties and taking note of the doubtful identification, coupled with the fact that the alleged recovery has been made from an open place easily accessible to all, apart from other infirmities in search and seizure, 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 court of Exclusive Special Excise Court No. 2, East Champaran, Motihari in connection with Excise P.S. Case No. 651 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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