

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50761 of 2025

Arising Out of PS. Case No.-342 Year-2024 Thana- PARSA District- Saran

Binod Kumar Ray S/o Ram Naresh Ray Village- Parsauna Tola, PS- Parsa,
Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nalin Kumar

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-08-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Parsa P.S. Case No. 342 of 2024, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is of selling of illicit wine. The police conducted a raid. However, noticing the police party, one person succeeded in fleeing away. In course of search, 10.500 litres country made liquor was recovered behind the house of the petitioner.

4. Learned Advocate for the petitioner taking this Court through the FIR and the seizure list has submitted that admittedly the alleged recovery has been made behind the house of the petitioner and, as such, he has no concern with the same.



It is contended that had the recovery been made from the house and nearby the house of the petitioner there would have been signature of any of the family members or the independent person but surprisingly both the witnesses are none else but the police personnels. It is further contended that even during the course of investigation no material has come which suggests complicity of the petitioner in the crime and this fact also fortified in view of the fair antecedent of the petitioner.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application.

6. Having considered the submissions set forth by the learned Advocates for the respective parties and taking note of the fact that the alleged recovery has been made behind the house of the petitioner, besides his fair antecedent and the conundrum as has been dispelled by the Full Bench of this Court in the case of **Ram Vinay Yadav vs. The State of Bihar** reported in **2019(2) PLJR 1089**, 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 3rd Exclusive



Special Excise Court, Chapra, Saran in connection with Parsa P.S. Case No. 342 of 2024, 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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