

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50758 of 2025

Arising Out of PS. Case No.-135 Year-2025 Thana- CHARPOKHARI District- Bhojpur

Guddu Sah @ Guddu Kumar S/O Pappu Sah Resident of Village- Amroja
Bazar, P. S.- Charpokhari, District- Bhojpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms Sonali Priya, Adv. Mr. Sanchay Srivastava, Adv. Mr. Ashish Kumar Palit, Adv.	
Yadav, Adv.		For the Opposite Party/s:	Ms.Sucheta

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-08-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Charpokhari P.S. Case No. 135 of 2025, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. In course of patrolling, the police on a secret information reached at the place of occurrence. However, noticing the police party, it is said that the petitioner succeeded in fleeing away after throwing wooden carton. In course of search, total 1.260 litres of Indian made foreign liquor was recovered.

4. Learned Advocate for the petitioner taking this



Court through the FIR and the seizure list submitted that admittedly the alleged recovery has been made nearby the house of the petitioner from a wooden box. The petitioner has neither any concern with the wooden box from where recovery has been made nor with the illicit wine and moreover, the name of the petitioner has been disclosed by the local Chowkidar but such identification appears to be quite doubtful as both are the residents of different places. There are various other infirmities in search and seizure, coupled with no compliance of the provisions of Section 103 of BNSS. Although the alleged recovery has been made in a broad daylight but there is no independent witness to the search and seizure, which also smacks malafide on the part of the prosecution. The petitioner bears fair antecedent and he undertake that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that the petitioner was seen fleeing away from the place of occurrence after throwing the wooden box from which recovery has been made.

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 from a public place easily accessible to all, coupled with the fair antecedent as also lack of material which attracts the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 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. 1st , Bhojpur at Ara in connection with Charpokhari P.S. Case No. 135 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)

Anjani/-

U		T	
---	--	---	--

