

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58953 of 2025

Arising Out of PS. Case No.-37 Year-2025 Thana- ANGARGHAT District- Samastipur

Amresh Kumar @ Amresh Kumar Rai, aged about 34 years, Gender-Male,
S/O Shiv Chandra Ray @ Shiv Chandra Rai, Resident of Ward No. 01, Kerai
Musahra, P.S.- Bibhutipur, Samastipur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Keshav Bhardwaj, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-09-2025 Heard Mr. Keshav Bhardwaj, learned counsel
appearing on behalf of the petitioner and Mr. Lalan Kumar,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Angharghat P.S. Case No. 37 of 2025 registered for the
offence punishable under Sections 274, 275 of the B.N.S.;
Sections 30 (a) and 41(1) of the Bihar Prohibition and Excise
Act as amended up-to-date and Sections 25(1-b)(a), 26, 27 of
the Arms Act.

3. Allegation is of recovery of 80.695 litres of illicit
foreign liquor, one country-made pistol, 10 live cartridges and
18 empty cartridges were recovered from the house of co-
accused Surydev Kumar @ Suraj Kumar.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in the case due to local village politics. Petitioner has no concern with the seized liquor nor he is involved in trade of liquor in any manner. The alleged recovery of arms has been made from co-accused Surydev Kumar @ Suraj Kumar, who has already been released on bail by a co-ordinate Bench of this Court vide order dated 16.07.2025 passed in Cr. Misc. No. 46539 of 2025. On the date of alleged crime, the petitioner was in judicial custody in connection with Bibhutipur P.S. Case No. 449 of 2024 and in this regard, he has made a specific statement in paragraph no. 12 of the bail application. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and submits that due to sale and consumption of illicit liquor, day after day, hooch tragedy occurs and the State Officials of different department appears to have facilitated smuggling and trade of illicit liquor inside the State of Bihar. As such, involvement of the petitioner cannot be ruled out from illicit trade of liquor.

6. Considering the specific information contained in



paragraph no. 12 of the bail application that petitioner, on the alleged date of alleged date of incidence, was in judicial custody in connection with Bibhutipur P.S. Case No. 449 of 2024 and he was released on bail on 26.04.2025 and he was released on bail by a co-ordinate Bench of this Court vide order dated 23.04.2025 passed in Cr. Misc. No. 24442 of 2025, as well as, the fact that the alleged recovery of arms has been made from co-accused Surydev Kumar @ Suraj Kumar @ Om Prakash, who has already been released on bail by a co-ordinate Bench of this Court vide order dated 16.07.2025 passed in Cr. Misc. No. 46539 of 2025. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending, in connection with Angharghat P.S. Case No. 37 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify



the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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