

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62128 of 2025

Arising Out of PS. Case No.-162 Year-2025 Thana- SONEPUR District- Saran

Subham Kumar @ Nepali Rai @ Nepali Kumar @ Nepali S/O Umesh Ray @
Umesh Kumar Yadav R/O Vill.- Pahleja (Sahpur Diyara), P.O. and P.S.-
Sonepur, Dist.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Sonepur P.S. Case No. 162 of 2025 registered for the alleged offences under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, police received information about co-accused persons running a manufacturing unit of country made liquor. A raid was conducted at the identified place and police found a number of persons who were engaged in the work of manufacturing of liquor, but all of them fled away from the spot on seeing the police party and the petitioner is also stated to be one of the escaped persons. From



the said place, huge quantity of raw material was recovered and same was destroyed by the police party. Recovery of 175 liters of country made liquor was also made from the said place.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioner, who was not apprehended from the spot. The petitioner has been named in this case merely on saying of local *chowkidar* and except this, there is no material against the petitioner to show his complicity in the alleged offence. Further, recovery has been made from an open place which is accessible to all and initially, the petitioner was not named in this case, but he has been implicated due to his antecedent. The petitioner is having antecedent of three cases and in two such cases, he is on bail. The petitioner is in custody since 02.08.2025.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from his conscious possession and



further considering the period of custody of the petitioner, the petitioner above named is directed to 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 learned 2nd Exclusive Special Excise Judge, Saran at Chapra/court concerned in connection with Sonapur P.S. Case No. 162 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Ashish/-

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

