

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64501 of 2025

Arising Out of PS. Case No.-294 Year-2025 Thana- PAHARPUR District- East Champaran

Panchdev Giri, S/o Krishnanayan Giri, R/o Paharpur Giri Tola, P.S.- Pharpur,
Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chitransh Raj, Advocate
		Mr. Vishal Prasad, Advocate
For the Opposite Party/s	:	Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Paharpur P.S. Case No. 294 of 2025 registered for the offences under Sections 30 (a)/41(1)/52 of the Bihar Prohibition and Excise Act, 2016.

3. The police in course of patrolling, on a secret information conducted raid. However, noticing the police party, two persons, who were standing near the betel shop, succeeded in fleeing away. In course of search, total five litres of illicit liquor was recovered behind the shop of the petitioner.

4. Learned Advocate for the petitioner submitted that the petitioner has nothing to do with the crime, in question, nor with the illicit liquor. It is the admitted position that no



incriminating material has been recovered from the shop of the petitioner, however, taking note of the fact that the alleged recovery has been made nearby the shop of the petitioner, the name of the petitioner has been implicated in this case. The petitioner bears fair antecedent and all the more, there are various other infirmities in the search and seizure. It is the contention of the learned Advocate for the petitioner that conundrum of maintainability of the bail application and the rigors provided under Section 76(2) of the of the Bihar Prohibition and Excise Act, 2016 has already been clarified by the Full Bench of this Court in the case of **Ram Vinay Yadav Vs. State of Bihar**, reported in, **2019 (2) PLJR 1089 (F.B)**.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the recovery of illicit liquor behind the shop of the petitioner clearly suggests his complicity.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the materials, which do not attract the rigors provided under Section 76(2) of the of the Bihar Prohibition and Excise Act, 2016, coupled with the fair antecedent and the infirmities in the search and seizure, let the petitioner, named above, in the event



of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.1, East Champaran at Motihari in connection with Paharpur P.S. Case No. 294 of 2025, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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