

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64308 of 2025

Arising Out of PS. Case No.-202 Year-2025 Thana- SIKANDRA District- Jamui

Umesh Chaudhary @ Umesh Pasi Son of Late Horil Chaudhary R/O Vill-
Jalay (Jalai), P.S.- Sikandra, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Prasad, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, 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 Sikandra P.S. Case No. 202 of 2025, registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is of being involved in trafficking of illicit wine. The police, on a secret information, raided the house of the petitioner, however, noticing the police party, one person succeeded in fleeing away whose name has later on been disclosed by local Chaukidar. In course of search, total 10 litres of country-made liquor was recovered from the courtyard of the petitioner.

4. Learned advocate for the petitioner submitted that the entire allegation of recovery from the courtyard of the petitioner falls to the ground for the simple reason that had the



recovery been truly made from the courtyard of the petitioner, there would have been signature of any of the family members on the seizure-list, however, the witnesses to the seizure are only police personnels which smacks of *mala fide* intention. Moreover, the petitioner is a man of fair antecedent and it is specifically denied that any recovery has been made from the courtyard belonging to the petitioner. All the more, the house of the petitioner is a joint family property and, even if there is a recovery, the same cannot be attributed to the petitioner alone. There is complete defiance of Section-103 of B.N.S.S. and the petitioner undertakes that he will fully co-operate in the proceeding of the court.

5. On the other hand, learned advocate for the State vehemently opposed the bail application and submits that recovery from the house of the petitioner clearly attracts the rigours provided under Section-76(2) of the Bihar Prohibition and Excise Act, 2016.

6. Considering the submissions advanced by learned counsel for the respective parties and taking note of the infirmities in the search and seizure as also the recovery from a place falling under joint family possession and absence of the material which attracts the rigours of Section-76(2) of the Bihar



Prohibition and Excise Act, 2016 as well as the fair antecedent, 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 Exclusive Excise Court-I, Jamui in connection with Sikandra P.S. Case No. 202 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)

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