

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 63165 of 2025

Arising Out of PS. Case No.-88 Year-2025 Thana- BELHAR District- Banka

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Birju Hembrem @ Braj Lal Hembrem Son of Jogendra Hembrem, Resident of
Vill- Chotaki Basar, P.S.- Belhar, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Suresh Kumar, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-09-2025 Heard learned counsel appearing on behalf of the
petitioner and the learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Belhar P.S.Case No.88 of 2025, registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the allegation made in the FIR, in course of the patrolling, the Police recovered 52 ltrs. of country-made mahua liquor from the forest. The Chowkida identified the petitioner.

4. Learned counsel appearing on behalf of the petitioner submitted that no recovery has been made from the possession of the petitioner and the Chowkidar, who has identified the petitioner, has inimical terms with the petitioner. Learned counsel further submitted that the recovery has been made from the open place, which is accessible to anyone.



5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions of the parties, as well as, considering the fact that the Chowkidar has identified the petitioner, who has inimical term with the petitioner and the recovery has been from the open place, which is accessible to anyone, the petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the district court within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court 1, Banka in connection with Belhar P.S.Case no.88 of 2025 , subject to the conditions as laid down under Section 482(2) of BNSS.

7. The learned district court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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