

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61867 of 2025

Arising Out of PS. Case No.-259 Year-2025 Thana- Daudnagar Excise District- Aurangabad

Chandan Kumar S/o Kamdev Pashwan @ Kamdev Ram R/o Village - Ratwar,
Bhuiyan Bigha, P.S - Obra, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Anand, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2. In the present case, the petitioner seeks bail in connection with Daudnagar Excise P.S. Case No. 259 of 2025, registered for the offences under Section 30(a) (c) and (d) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, police received secret information about the petitioner and co-accused Basudev Paswan storing spirit in their house. A raid was conducted and the petitioner and co-accused were apprehended. From the house of the co-accused, 770 litre of illicit spirit was recovered apart from wrappers for different brands of liquor. The petitioner disclosed about co-accused Kalu Kumar who was also involved in the storage of illicit liquor.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that no recovery has been shown from the conscious possession of the petitioner and recovery has been made from the house of the co-accused Basudev Paswan as is apparent from the FIR itself. Learned counsel further submits that there is non-compliance of Section 103 of the B.N.S.S. The petitioner is in custody since 01.08.2025 and he has no criminal antecedents. Charge sheet has been submitted.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown the conscious possession of the petitioner and also considering period of custody of the petitioner and his clean antecedent, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Judge Excise-II, Aurangabad/concerned court, in connection with Daudnagar Excise P.S. Case No. 259 of 2025, subject to the



condition laid down under Section 480(3) of the BNSS and other 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, if so required by the learned trial court.

(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)

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