

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64543 of 2025

Arising Out of PS. Case No.-188 Year-2025 Thana- Excise P.S. District- Samastipur

Ful Kumar @ Phool Kumar Son of Mantun Ray R/o Village- Madhopur,
Ward No. 9, Police Station- Karpurigram, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar

For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Samastipur Sadar P.S. Case No. 188 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The allegation against the petitioner is of involved in storage of illicit wine. The police conducted a raid and recovered 34.125 litres of illicit wine from the field of the petitioner.

4. Learned Advocate for the petitioner submitted that admittedly the alleged recovery has been made from the field, which is under the possession of the joint family and only the petitioner being one of the shareholder, his name has been implicated in this case. The reason for false implication is said



to be two criminal antecedent, as has been disclosed in para-3 of the bail application in his credit. There are various other infirmities in search and seizure, besides non-compliance of Section 103 of BNSS. The petitioner undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the petitioner appears to be a habitual offender and engaged in the activities of trade of illicit wine.

6. Having considered the submissions and taking note of the fact that the alleged recovery has been made from an open field, which falls under the share of joint family and, thus, *prima facie*, would not attract the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, coupled with the infirmities in search and seizure, 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 Special Judge, Excise -II, Samastipur in connection with Samastipur Sadar P.S. Case No. 188 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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