

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68683 of 2025

Arising Out of PS. Case No.-187 Year-2024 Thana- BASOPATTI District- Madhubani

Sham Prabhu Swarnkar @ Shama Prabhu Swamakar @ Shambhu Sah S/o
Giveni Swamakar R/o Village - Mungraha, Ward No.14, P.S - Marauna, P.O -
Lalpur, District - Supaul, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-10-2025 Heard learned Advocate for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Basopatti P.S. Case No.187 of 2024 registered for the offence punishable under Sections 274, 275, 3(5) of B.N.S. and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The police on a secret information that some persons are engaged in consuming illicit wine conducted raid; however, noticing the police party, two persons tried to flee away from a motorcycle, who were later on apprehended. In course of search, 2 bottles containing 375 ml. each were recovered from the possession of one Akash Kumar.



4. Learned Advocate for the petitioner submitted that co-accused Akash Kumar, who is said to have been apprehended by the police is none else but the son-in-law of the petitioner; the vehicle in question was taken away by his son-in-law for doing some household business, the petitioner was not knowing this fact that his vehicle has ever been used for any illicit purpose. It is further contended that the petitioner has no concern with the recovered illicit wine nor during the course of investigation, any material has collected suggesting his involvement. The fair antecedent of the petitioner also fortifies the aforesaid submission.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the use of the motorcycle of the petitioner in the crime clearly suggests his complicity.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the fact that the petitioner was not even present nearby the place of occurrence, besides the fact that the petitioner being owner of the motorcycle in question, there is no material suggesting his complicity in the crime as also his fair antecedent, let the above named petitioner, be released on bail,



in the event of his arrest or surrender before the learned Court below 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 Judge, Excise Act, Madhubani in connection with Basopatti P.S. Case No.187 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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