

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83040 of 2025

Arising Out of PS. Case No.-273 Year-2025 Thana- SONBERSA District- Sitamarhi

1. Chandan Kumar S/o Ramsudhar Rai R/o Village-Pipra Parsaine, Tole Hanumanagar, P.S - Sonebarsa, District - Sitamarhi
2. Manish Kumar @ Avinash Kumar S/o Ajabi Rai @ Harishchandra Rai R/o Village - Pipra Parsaine, Tole Hanumanagar, P.S - Sonebarsa, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mrs.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 10-12-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with Sonebarsa PS. Case No. 273 of 2025 dated 05-10-2025, instituted under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. The allegation is of recovery of 207 litres of illicit Nepali Saufi wine from a tempo bearing Registration No. BR30PA-3238. It is further alleged that one person was apprehended at the spot who disclosed the name of the petitioners.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have been falsely implicated in the present case. It is further submitted that no incriminating



article has been recovered from the conscious possession or from the house of the petitioners; rather, the alleged illicit liquor was recovered from a tempo. The petitioners are neither alleged to be the owners of the seized Nepali Saufi liquor nor of the tempo from which the recovery was made. It is further submitted that the petitioners have been implicated merely on the basis of the confessional statement of the apprehended person. Lastly, it is submitted that petitioner no. 1 has three criminal cases pending against him, whereas petitioner no. 2 has one criminal case pending and in all of which, the petitioners are on bail.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-I, Sitamarhi, in Sonebarsa PS. Case No. 273 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita 2023, and further that subject to the following



conditions (i) that the petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) that if the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail, and (v) that the petitioner will appear before the SHO of concerned PS in the first week of each month till the conclusion of the trial.

7. The application stands allowed.

(Khatim Reza, J)

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