

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.967 of 2025

Arising Out of PS. Case No.-283 Year-2024 Thana- PANAPUR District- Saran

1. Dipu Prasad @ Dipu Kumar S/o- Shankar Prasad
2. Ramawati Devi w/o- Shankar Prasad
Both resident of Village + P.O- Dubauli, P.S- Panapur, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-02-2025 Heard learned counsel appearing on behalf of the
petitioners and the learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Panapur P.S. Case No. 283 of 2024 registered for the offence(s) punishable under Sections Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the allegation made in the FIR, altogether 5.800 litres of spirit has been recovered from two separate polythenes kept in the paddy field of co-accused Chandrika Ram.

4. It is submitted by the learned counsel appearing on behalf of the petitioners that the recovery of said spirit has been



made from an open place, which is easily accessible to anyone.

The name of the petitioners has transpired in the present case on the basis of the confessional statement of the co-accused, Shankar Prasad, who is the father of petitioner no.1 and husband of petitioner no.2. Petitioner no.2 has criminal antecedent of only one criminal case, in which he is on bail.

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

6. Having considered the rival submissions made on behalf of the parties, as well as, considering the fact that the recovery has been made from open place, which is easily accessible to any one, the petitioners, above named, are directed to be released on bail, in the event of their arrest or surrender before the learned District Court within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Judge, Saran at Chapra,/concerned court, in connection with Panapur P.S.Case No.283 of 2024, pending before the court of the learned subject to the condition as laid down under Section 482 (2) of the B.N.S.S., 2023, subject to the further conditions :



7. The learned district court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are 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.

8. From perusal of the seizure list dated 07.09.2024, it appears that the same has been prepared by a constable undergoing Promotional Training Course, who has not mentioned whether the quantity is in litre or in milliliter. The Excise Superintendent, Saran at Chapra is directed to give training to each and every such trainee constables to know about the manner, in which the seizure list is prepared and take appropriate action against the concerned constable, who has prepared the seizure list.

9. Let a copy of this order be communicated to the Superintendent of Police, Saran and Chapra and the Excise Superintendent, Saran at Chapra.

(Purnendu Singh, J)

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