

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2563 of 2025

Arising Out of PS. Case No.-286 Year-2024 Thana- Excise P.S. District- Araria

Shri Prasad Thakur, S/O Gulab Chandra Thakur, R/O Vill.- Govindpur, Ward
No.- 02, P.S.- Pratapganj, District- Supaul, State- Bihar, 852125.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kuldeep Kumar, Adv.
For the Respondent/s : Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 16-06-2026 Heard the parties.

2. The instant appeal is taken up for consideration of the appellant's prayer for suspension of his sentence and his release on bail under Section 430(1) of BNSS.

3. This appeal has been preferred against the judgment of conviction dated 22.04.2025 and order of sentence dated 28.04.2025 passed by the Court of learned Additional District and Sessions Judge-cum- Exclusive Special Excise Judge -II, Araria, Bihar in connection with Special Case No. 2802 of 2024, arising out of Araria Excise P.S. Case No. 286 of 2024, whereby and whereunder the appellant has been convicted for the offence punishable under



Section 30(a) of the Bihar Prohibition and Excise Act, 2016 and sentenced for the said offence.

4. Learned counsel appearing for the appellant submits that the major punishment awarded upon the appellant is 5 years of rigorous imprisonment with fine of Rs. 1,00,000/- for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. The allegation levelled by the prosecution pertains to the recovery of 79.2 litres of Nepali country made liquor from a TVS Apache motorcycle. It is an admitted case of the prosecution that the appellant was not apprehended with the alleged motorcycle and seized liquor rather, he is alleged to have been apprehended 100 meters away from the place of recovery of liquor and in this regard, the evidence of informant, PW-1 is relevant. Learned counsel further submits that as per the informant, the entire process of seizure was videographed but the compact disc (CD) containing the details of the said videography, which was produced by the prosecution before the trial court, was not in sealed condition and further at the time of search and seizure no independent person was present which fact has been admitted by the informant in his deposition. It is lastly submitted that the instant appeal is of the year 2025, so, there



is unlikelihood of early hearing of this appeal in near future and during most of the trial period the appellant remained on bail and never misused the privilege granted to him.

5. Learned APP appearing for the State has opposed the prayer of the appellant.

6. Considering the aforesaid submissions as well as facts and circumstances of the case and the evidences available on the trial court record and also perusing the judgment impugned coupled with the period of custody undergone by the appellant till date as well as the quantum of the maximum punishment of imprisonment awarded upon him and also unlikelihood of his appeal to be taken up for hearing in near future, this court is inclined to enlarge the appellant on bail during the pendency of the appeal. Accordingly, let the appellant named-above be enlarged on bail during the pendency of this appeal on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-cum- Exclusive Special Excise Judge -II, Araria, in connection with Special Case No. 2802 of 2024, arising out of Araaria Excise P.S. Case No. 286 of 2024.

7. The sentence of the imprisonment awarded upon the appellant by the trial court shall remain suspended during



this appeal.

8. List this appeal under appropriate heading in due course.

(Shailendra Singh, J)

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