

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55414 of 2023**

Arising Out of PS. Case No.-284 Year-2023 Thana- GORAUL District- Vaishali

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Pawan Rai @ Pavan Kumar Son Of Bunilal Rai Village Salempur Dumariya  
PS Horaul (Kathara O P) District Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Subhash Kumar, Advocate.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP.

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      13-09-2023                      Heard Mr. Subhash Kumar, learned counsel for the  
  
petitioner and learned APP for the State.

2. The Petitioner is apprehending his arrest in connection with Goraul (Kathara O.P) P.S. Case No.284 of 2023, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, and Section 414 of the Indian Penal Code.

3. The police on a secret information conducted raid and a truck was found in front of the house of the petitioner and on search total 353.26 liters of Indian made foreign liquor was recovered from the said truck.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been made accused in this case only on account of the fact that recovery has been



made from his truck, though the truck was being used for the purpose of transportation of goods by the transporter and the driver and in fact he was not even aware as to what was being loaded by the transporter in collusion with the driver. He also submits that the alleged recovery has been made from the truck which was parked in front of the house of the petitioner and easily accessible to all. That apart, all the seizure witnesses are the police officials and moreover, the copy of the seizure list has not even being handed over to any of the family members of the petitioner, this also caused serious doubt over the prosecution case. He lastly submits that in fact on account of one criminal antecedent of similar nature, his name has been implicated in this case. He undertakes that he will fully cooperate in the investigation and in the proceedings of the Court.

5. On the other hand learned APP for the State vehemently opposes the bail application and submits that huge quantity of illicit liquor has been recovered from the truck of the petitioner parked in front of his house.

6. Regard being had to the submissions made on behalf of the parties and considering the factum of recovery from truck and infirmities made in the seizure and the fact that



the copy of the same has not been handed over to the family members of the petitioner, 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 the learned Exclusive Special Excise Court No.1-cum- Additional District & Sessions Judge, Vaishali at Hajipur in connection with Goraul (Kathara O.P) P.S. Case No.284 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure 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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