

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5805 of 2025

Arising Out of PS. Case No.-565 Year-2024 Thana- DARIYAPUR District- Saran

Nagendra Rai S/o Wakil Ray R/o Village- Pojhi, P.S.- Derni, District- Saran.
At present R/o Village- Mastichak Annapurna Line Hotel situated at West of
Road, Opposite of Akhanda, Jyoti Eye Hospital, P.S.- Dariyapur, District-
Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 29-04-2025 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act, 2016.

3. A bare perusal of the first information report and the
seizure list would go to show that 68.94 liters of foreign liquor
has been recovered behind the Annapurna Line Hotel.

4. It is submitted by learned counsel for the petitioner that
the name of the petitioner has been falsely implicated in this
case on the basis of disclosure made by the village Chaukidar
rather the fact of the matter is that nothing has been recovered
from the conscious physical possession of the petitioner. It is



further submitted that the place of recovery is an open place and easily accessible to anyone, hence no responsibility can be fixed on the petitioner. It is further submitted that there is violation of mandatory provision in search and seizure as also there is no eye witness to the said seizure list. Petitioner has one criminal antecedent of similar nature of the offence as stated in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail on the ground that the petitioner has one criminal antecedent of similar nature of the offence.

6. Having regard to the facts and circumstances of the case, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Dariyapur P.S. Case No. 565 of 2024, subject to the condition as laid down under Section 482 (2) Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

7. The learned Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no.3 of the



bail application. If any other case is pending against the petitioner as what has been stated in paragraph no.3, this order will loose its force automatically.

(Soni Shrivastava, J)

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