

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7858 of 2025

Arising Out of PS. Case No.-31 Year-2021 Thana- MADANPUR District- Aurangabad

Shatrudhan Kumar @ Satrudhan Chaudhary S/o Moti Chaudhary Resident of
Village- Chenw, P.S- Kasma, District- Aurangabad. At Present R/o Motilal
Road, Sabji Mandi, P.S.- Kotwali, District- Deoria, UP

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Singh, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 14-05-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor 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. As per the prosecution case, the recovery is of 5180 liters of spirit from a truck bearing Registration No. NL-02L-9946 which was parked on the flank of the road.

4. Learned counsel for the petitioner submits that he is neither the owner nor the driver of the seized truck and he has not named in the First Information Report. The name of the petitioner has transpired in the case during the course of the investigation stating that he was the driver of the said



truck which has been refuted on behalf of the petitioner. Further there is no recovery from the physical and conscious possession of the petitioner. Recovery has been made from a truck which was found abandoned on a road which was accessible to all. It has also been submitted that the mandatory provisions of search and seizure has also not been followed as there is no independent witness to the said seizure list. The petitioner has no criminal antecedent and undertakes to co-operate in the case/trial.

5. The application is opposed by the learned APP for the State.

6. Considering the above facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge cum Exclusive Special Judge, Excise Court No. 1, Aurangabad, in connection with Madanpur P.S. Case No. 31 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2)



of the B.N.S.S., 2023 and and subject to the further condition that the petitioner shall co-operate in the investigation/trial.

(Soni Shrivastava, J)

Raj Ranjan/-

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