

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9336 of 2025

Arising Out of PS. Case No.-959 Year-2024 Thana- MASAUDHI District- Patna

Sanjay Kumar S/O Late Chandirka Yadav Resident of Village/Mohalla-
Nadaual, Police Sation- Masaurhi, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar

For the Opposite Party/s : Mr. Ram Anurag Singh

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 07-05-2025 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 6.750 liters of foreign liquor from the corner of the shop situated adjacent to the house of the petitioner.

4. Learned counsel for the petitioner submits that no recovery has been made from his physical and conscious possession and the recovery has been made from a corner of the shop which is accessible to several persons. The mandatory



provisions of search and seizure has also not been followed as there is no independent witness to the said seizure list.

5. The application is opposed by the learned APP for the State on the ground that the petitioner has one criminal antecedent of the same nature, in response to which it is submitted that the petitioner is on bail in the said case.

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 Special Judge Excise and Prohibition III, Patna, in connection with Masaurih P.S. Case No.959 of 2024, 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:-

(i) the petitioner shall co-operate in the investigation/trial.

(ii) the learned Court would, however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of



the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

sharun/-

U		T	
---	--	---	--

