

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15374 of 2025

Arising Out of PS. Case No.-226 Year-2024 Thana- TARARI District- Bhojpur

1. Shri Kishun Ram @ Shri Krishan Ram @ Shri Kishun Paswan Ram @ Sri Kishun Paswan S/o- Late Raghubir Ram @ Late Raghubar Paswan Resident of Village- Mishsra Karma, P.S.- Tarari, District- Bhojpur
2. Gauri Shankar Paswan @ Gauri Shankar Ram @ Gauri Paswan S/o- Shri Kishun Ram @ Shri Kishun Paswan Resident of Village- Mishsra Karma, P.S.- Tarari, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Adv.
For the State	:	Mr. Sanjay Kumar Tiwary, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 18-04-2025 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

3. It would appear from the perusal of the FIR as also the seizure list that 80 litres of country made mahua liquor and 2-3 aluminium utensils were recovered from a place which was 100 metres away from the house of co-accused Tirth Raj Paswan.

4. Learned counsel for the petitioners submits that the



allegations made against the petitioners in the FIR are not correct and it would be evident from the FIR itself that the names of the petitioners have transpired on the basis of the statements of local chowkidar and local people. It is further submitted that no recovery has been made from the physical and conscious possession of the petitioners rather the said recovery has been made from an open place which is accessible to all. It is further submitted that there is no independent witness to the seizure list and hence, the mandatory provisions of search and seizure have also been violated.

5. Learned APP for the State opposes the prayer for anticipatory bail.

6. Considering all the facts and circumstances of the case particularly that there is no recovery from physical and conscious possession of the petitioners and they have no criminal antecedent, I am inclined to grant the privilege of anticipatory bail to the petitioners. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of



learned Exclusive Special Excise Judge-II, Bhojpur at Ara in connection with Tarari P.S. Case No. 266 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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