

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25237 of 2025

Arising Out of PS. Case No.-102 Year-2024 Thana- SAHARGHAT District- Madhubani

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Mohammad Amirul son of Late Md. Tasalim Resident of village- Baghaul PO
-Muraitha PS -Jale District -Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ugranath Mallik
For the Opposite Party/s : Mr.Veena Kumari Jaiswal

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 24-06-2025 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 274, 275, 3(5) of the B.N.S.S. and Section 30(a) of the Bihar Prohibition and Excise Act.

3. Perusal of the first information report and the seizure list, would go to show that 18 liters of illicit liquor is said to have been recovered from a motorcycle, bearing Registration No. BR-30AM-9332 and the person riding the said motorcycle was also arrested on the spot.

4. It is submitted by learned counsel for the petitioner that there is no recovery from the physical and conscious possession of the petitioner. As a matter of fact, the name of the petitioner has surfaced in the present case on the



ground that he is the registered owner of the seized motorcycle. However, he has no concerned with the seized liquor. It is submitted that the motorcycle was taken by the relative who was also arrested on the spot. It is further submitted that the mandatory provisions of search and seizure have been violated as there is no independent witness to the seizure list and the petitioner has no criminal antecedent.

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

6. Taking into consideration the fact and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail 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 Saharghat P.S. Case No. 102 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S.

(Soni Shrivastava, J)

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