

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27639 of 2025

Arising Out of PS. Case No.-642 Year-2024 Thana- BHAGWAN BAZAR District- Saran

Sudhir Rai @ Sudhir Ray S/o Munilal Rai R/o Vill.- Katra Nawaji Tola, P.S.-
Bhagwan Bazar, Distt.- Saran at Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mrs. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in a case registered
for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise Act.

3. The prosecution story in brief is that on 16.12.2024
at 09:00 AM, Amirta Kumari (informant) a Probationary SI at
P.S. Bhagwan Bazar along with a Home Guard went for
patrolling duty. Around 04:30 PM, near Dharmnath temple, she
received secret information that the petitioner has stored country
made liquor in plastic bags and transport it using tempo. On
reaching, the petitioner was standing near three bags and fled
away on seeing the police.

4. Learned counsel for the petitioner submits



petitioner has antecedents of three cases and allegation is of recovery of 75 liters of country made wine. It is further submitted that petitioner is innocent and has been falsely implicated in the present case, it is next submitted that nothing has been recovered from the conscious possession of the petitioner, it is also submitted that name of the petitioner has been implicated on the basis of disclosure made by the local persons which has no evidentiary value.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the fact that nothing has been recovered from the conscious possession of the petitioner and also that the seizure memo has been prepared which does not bear the names and signatures of two independent witnesses, which put a serious question mark on the legality and validity of the seizure itself.

7. Accordingly, the petitioner in the event of his arrest or surrender within four weeks from today, let the petitioner, as named above, 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 1st Exclusive Special Excise Judge, Saran at Chapra in connection with



Bhagwan Bazar P.S. Case No. 642 of 2024, subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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