

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27685 of 2025

Arising Out of PS. Case No.-589 Year-2024 Thana- BHAGWAN BAZAR District- Saran

Ramjanam Rai @ Luchi Rai S/o- Bhagelu Rai Village- Katra Baradari, Ps-
Bhagwan Bazar, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, 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 09.11.2024
at about 22:00 hours, the informant-police along with his
associates proceeded from police station for night patrolling. At
20:00 O' Clock, when the informant along with his associates
reached near Naviganj, in the meantime informant-police got a
secret information that petitioner and Rajesh Rai had brought
illicit liquor from *diyara* area and were selling the same near
Kath Devi Mandir. The said information was communicated to
the Senior Official by the informant and at 04:45 O' Clock, they



reached on the said spot. On seeing the police, two persons escaped by taking advantage of darkness and upon this act of police, some local persons were gathered and disclosed the name of the petitioner. After due search, police recovered 12 liters of liquor from the alleged sack and seized the same by the police-informant. Accordingly, seizure list has been prepared by the police.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in the present case and the alleged recovery is of 12 liters of liquor. It is further submitted that the recovery has not been made from the conscious possession of the petitioner. It is next submitted by the learned counsel for the petitioner that the alleged recovered is made from an open and public place which is easily accessible to public at large and does not belong to the petitioner by any means and manner. It is also submitted that no overt act has been committed by the petitioner.

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

6. Considering the fact that the illicit liquor has not been recovered from the conscious possession of the petitioner and also given the fact that the seizure list is not witnessed by



two independent witnesses which puts 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 Court of learned Court of Special Judge Excise 1st, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 589 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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