

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32553 of 2025

Arising Out of PS. Case No.-56 Year-2025 Thana- KUTUMBA District- Aurangabad

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Rishu Kumar S/o RAjeshwar Singh R/o Village- Kachara, P.S.-
Hussainabad/Japla, District- Palamu (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukul Kumari
For the Opposite Party/s : Mr.Arun Kumar

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 20-05-2025 Heard the learned counsel for the petitioner and

learned APP for the State.

2. The petitioner makes a prayer for bail in connection
with Kutumba P.S Case No.56 of 2025 registered for offences
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

3. The First Information Report and the seizure list
would indicate that there is a total recovery of 1280 litres of
spirit from a Mahindra pick-up van and the petitioner is said to
be the driver of the alleged vehicle.

4. Learned counsel for the petitioner submits that the
nothing has been recovered from the physical and conscious
possession of the petitioner and he was merely the driver of the



said seized vehicle and neither the vehicle nor the seized liquor belongs to the petitioner. Further, there is no independent witness to the seizure list and hence, the mandatory provisions of search and seizure have not been complied with. The petitioner has no criminal antecedent and the petitioner is in custody since 30.03.2025.

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

6. In view of the facts and circumstances, the petitioner is enlarged 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 of Excise-I, Aurangabad, in connection with Kutumba P.S Case No.56 of 2025, subject to the following conditions:

(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)

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