

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33050 of 2025**

Arising Out of PS. Case No.-168 Year-2025 Thana- BANJARIA District- East Champaran

Amar Kumar Son of Jhakar Rai @ Jhakad Ray Village-Amawa tola Chailaha
Ward no. 8, Ps- Banjariya, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Advocate
For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, A.P.P

**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER**

2 26-05-2025 Heard Learned counsel for the petitioner and Learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Banjariya P.S. Case No. 168 of 2025 lodged on 14.03.2025, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the FIR, the recovery of 13.125 litres of foreign liquor was made from the hutment of the petitioner.

4. Learned counsel for the petitioner submits that as a matter of fact, the recovery has been made from a hut which was only a temporary construction and the hut was open and accessible to other persons. Learned counsel submits that there is no recovery from the physical or conscious possession of the petitioner. It has been further submitted that there is no independent witness to the seizure list and the petitioner having



clean antecedent, is in custody since 15.03.2025.

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

6. Considering the present facts and circumstances of the case, let the above named petitioner, 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 learned court below where the case is pending/Successor court, in connection with Banjariya P.S. Case No. 168 of 2025, subject to the further conditions that:-

(i) The petitioner shall cooperate in the investigation/trial.

(ii) One of the bailors will be a family member/close relative.

(iii) The petitioner would appear before the learned Court concerned on each and every date till the charges are framed and in case of absence on two consecutive dates without sufficient reasons, the learned Court concerned would be at liberty to cancel the bail bonds of the petitioner.

(Soni Shrivastava, J)

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