

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32974 of 2025

Arising Out of PS. Case No.-98 Year-2025 Thana- Excise P.S. District- Sitamarhi

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Shrawan Kumar @ Shravan Kumar S/o Prem Shankar Ray R/o village - Parsa
Jamla, ward no. -3, P.S. -Suppi, Dist. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Sangeeta Sharma

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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 Sitamarhi P.S Case No.98 of 2025 registered for offences
under Sections 30(a) and 32(3) of the Bihar Prohibition and
Excise Act, 2016

3. The First Information Report and the seizure list
would go to show that a total recovery of 279 litres of Nepali
liquor has been made from two motorcycles and the specific
allegation is of 189 litres having been recovered from the
motorcycle of the petitioner, on which the petitioner was seated.



4. Learned counsel for the petitioner submits that although, the petitioner was arrested on the spot but the procedure of search and seizure was not followed and there is no independent witness to the seizure list. There is no recovery from the physical and conscious possession of the petitioner and the petitioner is not involved in any kind of liquor business. As a matter of fact, it is only due to some dispute with the Police that he has been framed in the present case. The petitioner is in custody since 14.02.2025

5. Learned APP for the State opposes the prayer for bail application on the ground that the petitioner has two criminal antecedent, however, it is submitted by the learned counsel for the petitioner that he is on bail in the said cases.

6. Considering the above 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 Exclusive Special Excise Court-2, Sitamarhi, in connection with Sitamarhi P.S Case No.98 of 2025, subject to the following conditions:

(i) one of the bailors shall be the family member/close relative of the petitioner.

(ii) the petitioner would physically attend on all the



dates of the learned Court below till the charges are framed.

(iii) 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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