

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32089 of 2025

Arising Out of PS. Case No.-347 Year-2025 Thana- Excise P.S. District- Aurangabad

Chhotu Kumar S/o Kaludas @ Kalu Ram @ Kallu Ram R/o Village-
Gopalpur, P.S.- Rafiganj, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Excise
P.S. Case No. 347 of 2025 registered for the offences punishable
under Sections 30(a) and 32(3) of the Bihar Prohibition and
Excise (Amendment) Act 2018.

3. The prosecution case is to the effect that the
informant has stated that on suspicion a motorcycle was
intercepted and one person was apprehended who disclosed his
name as Chhotu Kumar (petitioner). The informant further
alleges that on search a total of 7.920 litres of Indian Made
Foreign Liquor was seized from under the seat of the
motorcycle.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case merely



because he carries antecedent of similar nature. The learned counsel has further submitted that the petitioner is neither owner nor the rider of the seized motorcycle and no incriminating article has been seized from the conscious physical possession of the petitioner. It has further been submitted that in the seizure list no independent witnesses have been mentioned and thus, the seizure was prepared in contravention of Sections 103 and 105 of BNSS. It is lastly submitted that the petitioner has been in judicial custody since 06.04.2025.

5. Learned APP for the State has opposed the prayer for regular bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the quantity of liquor seized, let the above named petitioner be released on bail on deposition of a sum of Rs. 5,000/- to the Patna High Court Legal Services Committee, Patna and an acknowledgment receipt be submitted before the learned Court below prior to the furnishing of bail bond and thereafter on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court, II, Aurangabad (Bihar) in connection with Excise P.S. Case No 347 of 2025 subject to the



following conditions :

a. One of the bailors of the petitioner shall be his close relative.

b. The petitioner shall remain physically present in Court on each date of the trial.

c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

d. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage 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, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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