

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32450 of 2025

Arising Out of PS. Case No.-15 Year-2025 Thana- PHULWARIYA District- Gopalganj

Bulet Kumar Ram S/o Gorakh Ram R/o Village- Jataha, P.S.- Phulwariya,
District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

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

2. The petitioner seeks bail in a case registered for the offence punishable under Section 317 (5) of the Bharatiya Nyaya Sanhita, 2023 and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. Perusal of the first information report and the seizure list would go to show that total 202 liters of country made wine is said to have been recovered from two gunny bags, which were tied on two motorcycles, one bearing Registration No.BR28W 1402 and one motorcycle without registration number.

4. It is submitted by learned counsel for the petitioner that the petitioner was arrested by stating that he was driver of



one of the said motorcycles from which recovery of 202 liters of country made liquor was made. It is, however, submitted that there is no independent witness of the seizure list and hence the mandatory provisions of search and seizure have been violated. There is no recovery from the conscious or physical possession of the petitioner and the motorcycle in question also does not belong to the petitioner. Petitioner has been languishing in custody since 25.03.2025

5. Learned APP for the State opposed the prayer for bail on the ground that the petitioner is accused in three cases of similar nature of the offence. In response to this, learned counsel for the petitioner submits that the petitioner is on bail in all the three cases.

6. Taking into consideration the fact and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Phulwariya P.S. Case 15 of 2025, subject to the following condition:

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



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

(iii) The petitioner would appear before the Investigating Officer of the concerned Police Station on an interval of 15 days till the charge sheet is submitted in the case.

(Soni Shrivastava, J)

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