

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32519 of 2025

Arising Out of PS. Case No.-120 Year-2025 Thana- Daudnagar Excise District- Aurangabad

1. Rahul Kumar S/o Rajesh Prasad R/o Village- Amjhar Sharif, Ward No. 9, P.S.- Haspura, Distt.- Aurangabad
2. Ajay Kumar S/o Bachchu Chaudhary R/o Village- Amjhar Sharif, Ward No. 9, P.S.- Haspura, Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukul Kumari, Adv

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

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

2. The petitioners make a prayer for grant of regular bail in connection with Daudnagar Excise P.S.Case No.120 of 2025 registered for the offences punishable under Sections 30(a), 32(3) of the Bihar Prohibition & Excise Act.

3. It would appear from the FIR and seizure list that total 150 liters of country made Mahua liquor was recovered from dickey of the car bearing registration no. BRO6K 4804 and both the petitioners were arrested on the spot.

4. Learned counsel for the petitioners submits that while petitioner no. 2 is the driver of the car in question and petitioner



no. 1 is said to be the passenger. It has further submitted that the car does not belong to the petitioners and the recovery is made from the dickey of the car, which was not within the knowledge of the petitioner and hence, there is no recovery from the physical and conscious possession of the petitioners. The mandatory provisions of search and seizure has been violated as there is no independent witness of the seizure list. The petitioners are in custody since 07.04.2025 and while petitioner no. 2 has no criminal antecedent and petitioner no. 1 is accused in one case of similar nature in which he is on bail.

5. The learned APP opposes the prayer for bail.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners shall be enlarged on bail on furnishing bail bonds of Rs 10,000/- (ten 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 Daudnagar Excise P.S. Case No.120 of 2025.

(Soni Shrivastava, J)

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