

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34412 of 2025

Arising Out of PS. Case No.-336 Year-2024 Thana- GURUA District- Gaya

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1. Yogendra Kumar @ Yogendra Paswan Son of Ram Sewak Paswan R/O Village- Kathwara, P.S.- Gurua, District- Gaya
 2. Ramdhar Paswan @ Ramatar Paswan Son of Late Devnandan Paswan R/O Village- Kathwara, P.S.- Gurua, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sudhir Kumar Sinha, Adv.
For the State	:	Mr. Akbar Ali, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 08-07-2025 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a)/(d) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. The recovery of total 50 litres of country made liquor and 2000 litres of raw material (Jawa Mahua) has been shown near Dhava river at village Kathwara.

4. Learned counsel for the petitioners submits that no recovery was made from physical and conscious possession of the petitioners and they were nowhere involved in the said occurrence. Their names have surfaced in this case upon a disclosure made by the local people. The place of recovery is an open area which is accessible to all. It is further submitted that the



process of search and seizure also amounts to violation of the mandatory provisions as there is no independent witness to the said seizure and the petitioners have no criminal antecedent as mentioned in para 3 of the bail application.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail.

6. Considering the facts that there is no recovery from physical and conscious possession of the petitioners rather the same has been made from an open area and also that the petitioners have no criminal antecedent, I am inclined to grant the privilege of anticipatory bail to the petitioners. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Gurua P.S. Case No. 336 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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