

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35142 of 2025

Arising Out of PS. Case No.-388 Year-2018 Thana- BIDUPUR District- Vaishali

Subodh Kumar @ Subodh Kumar Rai S/o Bindeshwar Rai Resident of
village- Litiyahi, P.S.- Raghobpur, District- vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Ray

For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 02-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. Perusal of the first information report and the
seizure list, would go to show that 150.120 liters of foreign
liquor is said to have been recovered from a car bearing
Registration No.BR-31N-8329 and one Suhag Rai was
apprehended on the spot.

4. It is submitted by learned counsel for the
petitioner that there is no recovery from the physical and
conscious possession of the petitioner. As a matter of fact, the
name of the petitioner has surfaced in the present case on the
basis of suspicion since he is the owner of the seized vehicle. It



has been submitted that the said vehicle had been taken by the co-accused and the petitioner had no knowledge whatsoever that the same had been put to some illegal use. It is further submitted that the mandatory provisions of search and seizure have been violated as there is no independent witness to the seizure list.

5. Learned APP for the State opposes the prayer for bail on the ground that petitioner has four criminal antecedents out of which two are of similar nature. However, the petitioner has been granted bail in two of the cases.

6. Taking into consideration the fact and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees 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 connection with Bidupur P.S. Case No. 388 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S., subject to the further conditions:

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

(ii) One of the bailors will be a family member/close



relative.

(iii) The petitioner would cooperate in the investigation till investigation is concluded against him.

(iv) The court below shall 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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