

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36246 of 2025

Arising Out of PS. Case No.-93 Year-2025 Thana- MADHUBAN District- East Champaran

JITENDRA RAI S/O HARINANDAN RAI R/o vill - Koriya Chakki, P.S.-
Madhuban, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 22-08-2025 This case has been listed under the heading '*To Be Mentioned*' at the instance of the Court.

2. It appears that this case was listed on 23.07.2025. It was taken up and bail was granted to the petitioner. It further appears that during the course of creating the order, due to inadvertence, wrong case number, Cr. Misc. No.32246 of 20225 (Sanjeev Yadav @ Sanjeev Kumar @ Sanjeev Kumar Yadav Vs. The State of Bihar), was generated, in place of Cr. Misc. No.36246 of 2025 (Jitendra Rai Vs. The State of Bihar). The order was typed, signed and uploaded with wrong case number i.e. Cr. Misc. No.32246 of 2025. As a matter of fact, the order was passed in the file of Cr. Misc. No.36246 of 2025 (Jitendra Rai Vs. The State of Bihar), in place of Cr. Misc. No.36246 of



2025 (Jitendra Rai Vs. The State of Bihar).

3. It also appears from the website of this Court that the petitioner of Cr. Misc. No.32246 of 20225 (Sanjeev Yadav @ Sanjeev Kumar @ Sanjeev Kumar Yadav Vs. The State of Bihar) had already been granted regular bail vide order dated 03.07.2025 passed by a coordinate Bench of this Court.

4. In such view of the matter, the order dated 23.07.2025 wrongly passed in Cr. Misc. No.32246 of 20225 (Sanjeev Yadav @ Sanjeev Kumar @ Sanjeev Kumar Yadav Vs. The State of Bihar), which is in the file of Cr. Misc. No. 36246 of 2025, is hereby recalled. The Programming Cell of this Court is directed to remove the order dated 23.07.2025 passed in Cr. Misc. No.32246 of 2025, from the website of this Court as also from the CIS.

5. Now, the order dated 23.07.2025 passed in this case reads as follows:

6. Heard learned counsel for the petitioner and learned APP for the State.

7. The petitioner apprehends his arrest for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

8. A perusal of the first information report and the seizure



list would go to show that total 80 liters of country made liquor has been recovered from a shop.

9. Learned counsel for the petitioner submits that the petitioner has been made accused in the present case on information of local chaukidar due to animosity. As a matter of fact, the so called shop of the petitioner, from which the said recovery has been made, is an open area and easily accessible to anyone. It is also a fact that the petitioner was not caught on the spot and nothing has been recovered from the physical or conscious possession of the petitioner. There is no independent eye witness to seizure list violating the mandatory provisions of search and seizure.

10. Taking into consideration the abovementioned facts and circumstances of the case and further that the petitioner has no criminal antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 Madhuban P.S. Case No.93 of 2025, subject to the



condition as laid down under Section 438 (2) of the Cr.P.C. and subject to the further condition that the petitioner shall cooperate in the investigation/trial.

11. Office is directed to send a copy of this order to the Programming Cell for further needful.

(Soni Shrivastava, J)

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