

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36748 of 2025

Arising Out of PS. Case No.-71 Year-2025 Thana- Excise P.S. District- Saran

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Jashbindra Kumar S/O Lachhami Kant Tiwari R/O village- Manikpur Pakari,
Police Station- Lalganj, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 29-05-2025 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 30(a) and 32 (3) of the Bihar
Prohibition and Excise Act, 2016.

3. Perusal of the first information report and the
seizure list would go to show that total 101.250 liters of foreign
liquor is said to have been recovered from a four wheeler
vehicle.

4. It is submitted by learned counsel for the petitioner
that there is no recovery from the conscious or physical
possession of the petitioner. The petitioner happens to be driver
of the vehicle in question and he had no knowledge of keeping
of the said liquor in the vehicle. He was plying the vehicle at the



instruction of his owner. There is violation of the mandatory provisions of the search and seizure as there is no independent witness to the seizure list. Petitioner has no criminal antecedent and has been languishing in custody since 14.04.2025.

5. 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.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 Saran/Sadar Excise P.S. Case No. 71 of 2025.

(Soni Shrivastava, J)

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