

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36643 of 2025

Arising Out of PS. Case No.-175 Year-2025 Thana- Excise P.S. District- Jehanabad

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Pawan Kumar S/o- Ram Lakhan Yadav Village- Teni Bigha Ps- Jehanabad
Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Pronoti Singh

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 03-07-2025 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 72.815 liters of illegal beer and foreign liquor is said to have been recovered from a bag which was kept in an open area.

4. It is submitted by learned counsel for the petitioner that the FIR itself would indicate that the recovery has been made from an open area which is accessible to all and hence, there is no recovery from the physical and conscious possession of the petitioner. Further, the name of the petitioner



has surfaced in the present case only on the basis of suspicion. 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. The petitioner is also a handicapped person.

5. Learned APP for the State opposes the prayer for bail on the ground that petitioner has one criminal antecedent of similar nature of the offence to which, learned counsel for the petitioner submits that the petitioner is on bail.

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 Jehanabad Excise P.S. Case No. 175 of 2025, 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) One of the bailors will be a family member/close relative.

(ii) 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.

(III) The petitioner would appear before the Investigating Officer of the concerned police station at an interval of every 15 days till investigation is concluded against him.

(Soni Shrivastava, J)

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