

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37076 of 2025

Arising Out of PS. Case No.-114 Year-2024 Thana- DORIGANJ District- Saran

Tufani Rai @ Tufani Kumar S/O Nagendra Ray @ Satya Ray Resident of
Purvi Baluaa, Kans Diara, P.S- Doriganj, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 38767 of 2025

Arising Out of PS. Case No.-114 Year-2024 Thana- DORIGANJ District- Saran

Radheshyam Kumar @ Radhe Shyam Kumar S/o Mukund Rai @ Mukund
Kumar Resident of Village-Pachhiyari, Balua, PS- Doriganj, District-Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 37076 of 2025)

For the Petitioner/s : Mr. Anjani Parashar, Adv.

For the State : Mr. Sanjay Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 38767 of 2025)

For the Petitioner/s : Ms. Chetna, Adv.

For the State : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 20-06-2025 As both these bail applications have arisen from the same
police station case number, hence, with consent of the parties,
they are being heard together and disposed of by this common
order.

2. Heard learned counsel for the petitioners and learned
APP for the State.



3. The petitioners seek bail in a case registered for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

4. From bare perusal of the FIR and the seizure list, it would appear that 900 litres of country made wine was recovered from the side of the river Ganga and 100 litres of illicit liquor was recovered from the standing motorcycle.

5. Learned counsel for the petitioners submits that the names of the petitioners have surfaced in this case on account of a secret information given by the local *Chowkidar* and hence, it is only suspicion against the petitioners. As a matter of fact, neither the petitioners were arrested on the spot nor there was any recovery from their physical and conscious possession. Further, the place of recovery is also an open place which is accessible to all and hence, no specific allegation can be attributed to any person. It is also 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. It is next submitted that the petitioners are in custody since 27.04.2025 and 04.03.2025, respectively with no criminal antecedent.

6. Learned APP for the State, however, opposes the prayer



for bail.

7. Considering the above-mentioned facts and circumstances, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each 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 Doriganj P.S. Case No. 114 of 2024.

(Soni Shrivastava, J)

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