

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38705 of 2025

Arising Out of PS. Case No.-15 Year-2025 Thana- PHULWARIYA District- Gopalganj

Sandeep Kumar Yadav son of Chandrama Yadav @ Chandrama Chaudhary
village- Manbodh Prasauni Police Station -Uchkagaon District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baijnath Sah

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 27-06-2025 Heard the learned counsel for the petitioner and
learned APP for the State.

2. The petitioner makes a prayer for bail in connection with Phulwariya P.S Case No.15 of 2025 registered for offences under Section 317(5) of the B.N.S. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. A perusal of the First Information Report and the seizure list would show that a total of 202 liters of country made liquor was recovered from two gunny bags which was tied on two motorcycles, one bearing Registration No.BR28W1402 and the other motorcycle without registration.



4. It is submitted on behalf of the learned counsel for the petitioner that he was taken into custody on the ground that he was said to be driving one of the seized motorcycles. However, it has been submitted that there is no independent witness to the seizure list, thereby violating the mandatory provisions of search and seizure and no recovery has been made from the physical and conscious possession of the petitioner. The motorcycle in question also does not belong to the petitioner and he is in custody since 19.04.2025

5. Learned APP for the State opposes the prayer for bail application on the ground that there are five criminal antecedent of the same nature, in response to which learned counsel for the petitioner submits that he is on bail in all the said cases.

6. In view of the facts and circumstances, the petitioner is enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned Addl. Sessions Judge-XIII-cum-Special Judge Excise-1, Gopalganj, in connection with Phulwariya P.S Case No.15 of 2025, subject to the following conditions:

(i) the petitioner shall co-operate in the



investigation/trial.

(ii) one of the bailors shall be the family member/relative of the petitioner.

(Soni Shrivastava, J)

sharun/-

U		T	
---	--	---	--

