

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42725 of 2025

Arising Out of PS. Case No.-28 Year-2025 Thana- SIWAIPATTI District- Muzaffarpur

1. Rajnish Kumar S/o Devendra Singh R/o vill - Puran Pakadi, P.S.- Siwaipatti, Distt.- Muzaffarpur
2. Vikash Kumar S/o Devendra Singh R/o vill - Puran Pakadi, P.S.- Siwaipatti, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey
For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 06-08-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their 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 8.205 liters of foreign liquor is said to have been recovered from the house of the petitioner.

4. It is submitted by learned counsel for the petitioners that there is no recovery from the physical and conscious possession of the petitioners. As a matter of fact, the recovery is from the joint house of the petitioners and hence, no liability can be fastened on the petitioners. 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 and the petitioners have no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail.

6. Taking into consideration the fact and circumstances of the case, let the above named petitioners in the event of their 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) 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 Siwaipatti P.S. Case No. 28 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.

(Soni Shrivastava, J)

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