

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40828 of 2025

Arising Out of PS. Case No.-404 Year-2024 Thana- GHORASAHAN District- East
Champaran

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Kundan Kumar S/O Mantu Rai Resident of village -Nagdaha Puranhiya ,P.S-
Ghorasahan ,District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the State : Mr. Ram Priya Sharan Singh

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 27-06-2025 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 Sections 30(a), 41(1)
of the Bihar Prohibition and Excise Act.

3. Perusal of the first information report and the
seizure list would go to show that 48 liters of Nepali liquor was
recovered from the sack which was allegedly thrown by the
petitioner and 46.2 litres of Nepali liquor was recovered from
the sack which was laden on the motorcycle and left over by
Akhilesh Yadav and Nitesh Yadav.

4. It is submitted by learned counsel for the
petitioner that there is no recovery from the physical and
conscious possession of the petitioner. The name of the



petitioner has been disclosed by the local people and the Choukidar that the petitioner had fled away from the place of occurrence. Further, the petitioner is not the owner of the any of the seized article nor has any concern with the seized liquor. 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. It is also pointed out that one of the co-accused has been granted anticipatory bail by this Court vide order dated 02.04.2025 passed in Cr. Misc. No. 13113 of 2025. The petitioner has 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 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 Ghorasahan P.S. Case No. 404 of 2024, 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) The petitioner shall cooperate in the investigation/trial.
- (ii) One of the bailors will be a family member/close relative.

(Soni Shrivastava, J)

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