

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41614 of 2025

Arising Out of PS. Case No.-55 Year-2025 Thana- ARERAJ District- East Champaran

Manoj @ Loha Singh @ Manoj Prasad S/O Late Hari Raut Resident of
Village- Areraj, ward No 01, PS- Areraj, Distt-East Champaran(Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Prasad, Advocate

For the Opposite Party/s : Mrs. Gulnar Begum, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 13-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences punishable under Section 274 and 275 of the B.N.S. and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. A perusal of the first information report and the seizure list would go to show that 15 of country made liquor has been recovered from the outhouse (*Bathan*) of the petitioner.

4. Learned counsel for the petitioner submits that no recovery has been made from the conscious or physical possession of the petitioner. The said outhouse (*Bathan*) is slightly away from the house of the petitioner, is an open place and easily accessible to anyone, hence no liability can be fastened on the petitioner. It is further submitted that there is no independent witnesses to the seizure list violating the mandatory provisions of search and seizure.

5. Learned APP opposes the bail application and



submits that the petitioner has six criminal antecedents of the same nature, to which learned counsel for the petitioner responds that the petitioner has already been granted bail in all the cases.

6. Taking into consideration the facts and circumstances, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, 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 Areraj P.S. Case No.55 of 2025, subject to the condition as laid down under Section 482 (2) of the B.N.S.S. and subject to the further condition that:-

(i) The petitioner shall cooperate in the investigation/trial.

(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 bonds of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay, preferably within a period of two weeks.

(Soni Shrivastava, J)

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