

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41143 of 2025

Arising Out of PS. Case No.-140 Year-2025 Thana- CHAPRA MUFFASIL District- Saran

Pawan Kumar @ Pawan Ray S/o Chatur Ray R/o Village- Sadha, Sandha
P.S.- Muffasil, District- Chapra at Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.
For the APP : Mr. Pronoti Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

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

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. A perusal of the FIR and the seizure list would go to show that altogether 200 litres of country made liquor along with 300 litres fermented liquid has been recovered from Sadha chaur and on seeing the police party, the accused persons managed to escape.

4. Learned counsel for the petitioner submits that the name of the petitioner has transpired in this case upon a secret information and on the disclosure made by the local *Chowkidar*. No recovery was made from physical and conscious possession of the petitioner rather the same has been made from an open



space which is accessible to all. It is further 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 and the petitioner has no criminal antecedent as mentioned in para 3 of the bail application.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail.

6. Considering the fact that no recovery has been made from physical and conscious possession of the petitioner and also that petitioner has no criminal antecedent, I am inclined to grant the privilege of anticipatory bail to the petitioner. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released 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 1st Exclusive Special Excise Court, Saran at Chapra in connection with Chapra Muffasil P.S. Case No.140 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

divyanshi/-

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

