

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43526 of 2025

Arising Out of PS. Case No.-2851 Year-2024 Thana- Excise P.S. District- Patna

Shyam Kumar Son of Parmanand Ray R/O Pakari, Bishunpur, P.S.- Beur,
Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Prasad Sinha

For the Opposite Party/s : Mr.Sangeeta Sharma

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 06-08-2025 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) and 56(b) of the Bihar Prohibition and Excise Act.

3. Perusal of the first information report and the seizure list, would go to show that 180 liters of country made liquor is said to have been recovered from a scooty.

4. It is submitted by learned counsel for the petitioner that there is no recovery from the physical and conscious possession of the petitioner. As a matter of fact, the name of the petitioner has surfaced in the present case on account of the fact that he is the owner of the seized scooty. However, learned counsel for the petitioner submitted that there was an altercation between the petitioner and the informant on



account of which he had left the scooty at the place of occurrence and subsequently, he came to know that the same has been seized in an excise case. 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 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 Excise P.S. Case No. 2851 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.

(Soni Shrivastava, J)

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