

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50785 of 2025

Arising Out of PS. Case No.-473 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Kameshwar Rai S/O Late Jiyalal Rai Resident of Village- Mahaddipur, P.S-
Chiraiya, District- East Chamaparan, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate
For the Opposite Party/s : Mrd. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 04-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

3. The FIR and the seizure list would go to show that
total 300 liters of country made liquor and 2850 liters of jaggery
solution, which was destroyed, was recovered from a bamboo
orchard.

4. Learned counsel for the petitioner submits that no
recovery has been made from the physical or conscious
possession of the petitioner. The place of recovery is an open
place easily accessible to anyone, hence no responsibility can be



fastened on the petitioner. There is violation of mandatory provisions of search and seizure as the seizure list has not been signed by any independent witness.

5. Learned APP submits that petitioner has two criminal antecedents of the same nature to which learned counsel for the petitioner responds that the petitioner has already been granted bail in one of the case, while the other is pending adjudication.

6. Taking into consideration the facts and circumstances of the case, 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 Excise P.S. Case No.473 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./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 bond 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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