

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57351 of 2024

Arising Out of PS. Case No.-323 Year-2023 Thana- ROH District- Nawada

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Pankaj Kumar son of Naresh Singh Resident of Village- Krishnapuri, New Area, Nawada, P.S. Nawada (Nagar), District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manmohan Kumar, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 01-07-2025 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 Act, 2016.

3. A perusal of the first information report and the seizure list would go to show that total 332 liters of beer and 78 liters of foreign liquor has been recovered from a tractor and some persons were apprehended on the spot.

4. Learned counsel for the petitioner submits that there is no recovery from the personal or conscious possession of the petitioner. The name of the petitioner has surfaced in this case on account of he being the owner of the seized tractor. It is further submitted that the vehicle in question was given to one



Gyan Kumar, his relative, to run it in brick kiln and the petitioner had no knowledge that the same was put to illegal use. It is further submitted that the mandatory provisions of the Cr.P.C. have also been violated as the seizure list has not been signed by any independent witness. Petitioner has no criminal antecedent.

5. Taking into consideration the facts and circumstances of the case and the fact that petitioner has no criminal antecedent, 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 Roh P.S. Case No.323 of 2023, 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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