

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51929 of 2025

Arising Out of PS. Case No.-244 Year-2025 Thana- BAHADURPUR District- Darbhanga

1. Raja Singh @ Raj Singh Rathor, S/O Sanjay Kumar Singh, Resident of-
Gitanjali Colony, Barheta, P S.- Bahadurpur, Dist- Darbhanga
2. Shivam @ Shivam Kumar Mishra, S/O Birendra Mishra, Resident of-
Gitanjali Colony, Barheta, P S.- Bahadurpur, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Anand, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-08-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Bahadurpur P.S. Case No. 244 of 2025 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. The petitioners are said to have been involved in trade of illicit liquor, the police conducted raid. On seeing the police party, two persons succeeded in fleeing away by leaving a Scooty. In course of search, behind the house of petitioner no.1, 113.64 litres of foreign liquor was recovered from the godown. The Scooty, which was being used by the absconded persons was also seized.



4. Learned Advocate for the petitioners submitted that even as per the allegation levelled in the F.I.R., the alleged recovery has been made from a godown, situated behind the house of petitioner no.1, which is constructed at a Government land and the petitioners have nothing to do with the same. Only on account of one criminal antecedent against each of the petitioner, the name of the petitioners have been implicated in this case. Moreover, the petitioners have neither any concern with the Scooty, in question, nor with the alleged recovered illicit liquor. In course of search, nearby the people assembled there, but there is no independent witness to the search and seizure, apart from non-compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioners undertake that they will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the recovery from the godown situated behind the house of petitioner no.1 speaks loud about their complicity in the crime.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the fact that the petitioners have nothing to do with the godown,



which is situated on a Government land, coupled with the lack of materials, which attracts the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, as also the infirmities in search and seizure, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge-I, (Excise Act), Darbhanga in connection with Bahadurpur P.S. Case No. 244 of 2025, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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