

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70632 of 2025

Arising Out of PS. Case No.-318 Year-2025 Thana- KUCHAIKOTE District- Gopalganj

Sanjay Kumar Gupta @ Sanjay S/o Rambilash Gupta R/o Village-
Baikunthpur, P.S.- Bishunpura, District- Kushinagar (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate

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

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 17-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for the offence punishable under Section 317(5) of the B.N.S. & under sections 30(a) of the Bihar Prohibition and Excise Amendment Act.

3. The allegation is that there is recovery of 107.600 litres of illicit country made liquor from a tempo which was being driven by the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has been made an accused on the basis of suspicion on account of reason that he was driving the said tempo. However, petitioner is not the owner of the said tempo and no recovery has been made from his personal or conscious



possession. It is further submitted that the mandatory provision of search and seizure have also been violated and petitioner has no knowledge that there was alcohol loaded on his tempo as the same is always used for public transport. The petitioner is in custody since 21.07.2025 with no criminal antecedent.

5. Learned APP for the State vehemently opposed the grant of bail.

6. Taking into consideration the facts and circumstances of the case and also considering that the recovery is not made from his personal or conscious possession and charge-sheet has also been submitted against the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (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 Kuchaikote P.S. Case No. 318 of 2025.

(Soni Shrivastava, J)

Ranjeet/-

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