

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86761 of 2024

Arising Out of PS. Case No.-161 Year-2024 Thana- PARWALPUR District- Nalanda

Shubham Kumar S/O LATE MOHAN CHANDRA SAW @ LATE MOHAN
CHANDRA SAH RESIDENT OF SHIVPURI, PS- PELAVAN, DISTRICT-
HAZARIBAGH JHARKHAND

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anurag Saurav

For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 04-04-2025 Heard the learned counsel for the petitioner and
learned APP for the State.

2. The petitioner makes a prayer for regular bail in connection with Parawalpur P.S Case No.161 of 2024 registered for offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. It would appear from the perusal of the First Information Report as also the seizure list that, upon a secret information and patrolling, two vehicles were intercepted, a Tata Zest and a pickup van. Altogether, a recovery of 847.44 liters of foreign liquor has been made.

4. Learned counsel for the petitioner submits that no doubt, the petitioner is the owner of the Tata Zest car, from



which recovery has also been made, along with the pickup van. Learned counsel for the petitioner submits that the petitioner had no knowledge of the liquor kept in the trunk of the Tata Zest vehicle. It has also been submitted that the search and seizure was conducted only in the presence of Police personnel and there is no independent witness to the seizure list. Learned counsel for the petitioner has further submitted that, as a matter of fact, nothing has been recovered from the personal and conscious possession of the petitioner and he has only been framed in the present case. The learned counsel for the petitioner has filed a supplementary affidavit bringing on record the bail orders of the other co-accused persons, being Annexure-P/3 and P/4, from a perusal of which it would appear that three of the co-accused persons have already been granted bail *vide* order dated 05.12.2024, passed in Cr. Misc. No.83718 of 2024, and one other accused person has been granted bail *vide* order dated 21.02.2025, passed in Cr. Misc. No.85246 of 2024. It is stated that the other co-accused persons are also present in the said vehicle, which was searched and seized.

5. Considering the fact that the petitioner has no criminal antecedent and he is languishing in custody since 08.10.2024, the petitioner is 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 learned Addl. District and Sessions Judge-IV cum Special Excise Court No-11, Nalanda, in connection with Parawalpur P.S Case No.161 of 2024, subject to the following conditions:

- (i) the petitioner shall co-operate in the investigation/trial.
- (ii) the learned Court would, however, verify the criminal antecedent of the petitioner before releasing him on bail.
- (iii) one of the family member/relative shall stand surety.

(Soni Shrivastava, J)

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