

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84816 of 2025

Arising Out of PS. Case No.-589 Year-2025 Thana- GAURICHAK District- Patna

Shankar Rai S/O Late Mohan Rai R/O Vill.- Wakarchak, Alawalpur, P.S.-
Gauripur, Dist.- Patna. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 19-12-2025 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, 2022.

3. A perusal of the first information report and the seizure list would go to show that total 100 liters of country made liquor has been recovered from a tempo.

4. Learned counsel for the petitioner submits that the petitioner has been made accused in this case as he is the owner of the said tempo. As a matter of fact, the petitioner has given the said tempo to his driver to ply on rent and has no knowledge that the driver has indulged in illegal liquor business. It is also a fact that the petitioner was not caught on the spot and nothing has been recovered from the physical or conscious



possession of the petitioner. There is violation of mandatory provisions of search and seizure.

5. Petitioner has also offered to deposit a sum of Rs.5,000.00 (Rupees Five Thousand) in the account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

6. Taking into consideration the facts and circumstances of the case and further that the 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 Gaurichak P.S. Case No.589 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./Section 482 (2) B.N.S.S. and subject to the further condition that the petitioner shall cooperate in the investigation/trial.

(Soni Shrivastava, J)

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