

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84710 of 2025

Arising Out of PS. Case No.-252 Year-2025 Thana- SRINAGAR District- West Champaran

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Brajesh Prasad Kushwaha @ Brijesh Prasad Kushwaha @ Vrijesh Prasad Kushwaha Son of Raghunath Prasad Kushwaha Resident of Mashan Dhab, Ward no. 9, P.S. - Srinagar, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sujeet Kumar

For the Opposite Party/s : Mr.Anish Chandra

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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 is apprehending his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Perusal of the first information report and the seizure list, would go to show that 5.8 liters of country made liquor is said to have been recovered from the place of occurrence.

4. It is submitted by learned counsel for the petitioner that there is no recovery from the physical and conscious possession of the petitioner. It is submitted that the place of recovery is an open place and easily accessible to anyone. As a matter of fact, the name of the petitioner has surfaced in the present case on the disclosure made by the local



Chaukidar. It is further submitted that the mandatory provisions of search and seizure have been violated as there is no independent witness to the seizure list.

5. Learned APP for the State opposes the prayer for bail on the ground that petitioner has two criminal antecedents of similar nature of the offence, in response to which, learned counsel for the petitioner submits that the petitioner is on bail in all the cases.

6. Taking into consideration the fact and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail 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 Srinagar P.S. Case No. 252 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S., subject to the further conditions:

(i) The petitioner shall cooperate in the investigation/trial.

(ii) One of the bailors will be a family member/close



relative.

(iii) The court below shall verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay preferably within a period of two weeks.

(Soni Shrivastava, J)

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