

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3748 of 2025

Arising Out of PS. Case No.-101 Year-2024 Thana- EXCISE SHERGHATI District- Gaya

Kapil Kumar S/o Shyamdev Yadav R/o village- Pachrukhiya, P.S-
Raushanganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. Mithlesh Kumar Khare

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 07-08-2025 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 Sections 30(a) and 32(C) of the Bihar Prohibition and Excise Act.

3. Perusal of the first information report and the seizure list, would go to show that 125 liters of country made liquor is said to have been recovered from the motorcycle of the petitioner.

4. It is submitted by learned counsel for the petitioner that there is no recovery from the physical and conscious possession of the petitioner. As a matter of fact, the petitioner is the owner of the said motorcycle. However, he had parked his motorcycle on the road and had gone to purchase medicines and in the meantime, his motorcycle was seized. 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. Further, the petitioner has no criminal antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail.

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 Sherghati Excise P.S. Case No. 101 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S.

(Soni Shrivastava, J)

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