

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84865 of 2025

Arising Out of PS. Case No.-439 Year-2025 Thana- GOPALPUR District- Patna

Pappu Ray S/O Mukhdev Ray Resident of - Kandap, P.O- Kandap, P.S-
Gaurichak, Dist- Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Md. Fakhruddin Ali Ahmad Md Tauqueer Azhar
For the Opposite Party/s :	Mr.Chandra Bhushan Prasad

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 30.600 liters of country made liquor is said to have been recovered from a motorcycle which was found in an abandoned condition.

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 on account of the fact that he is said to be the owner of the said motorcycle. 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 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 Gopalpur P.S. Case No. 439 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.

(Soni Shrivastava, J)

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