

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9140 of 2026

Arising Out of PS. Case No.-797 Year-2025 Thana- RUPASPUR District- Patna

Chandakant Kumar @ Chandr Kant Kumar S/O Late Raghunath Nat R/O
Village- Jat Dumri, P.S- Punpun, Distt.- Patna. Current Address- Sevrinagar,
P.S- Rupaspur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Rai, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 25-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 30 (a) of the Bihar Prohibition and Excise Act.

3. The case of the prosecution, in brief, is that 55 litres of country-made liquor was allegedly recovered from behind the house of the petitioner.

4. Learned counsel for the petitioner submits that nothing has been recovered from the conscious possession of the petitioner. The alleged recovery was made from an open



place behind the house of the petitioner. It is further submitted that the witnesses to the seizure list are police personnel and that the mandatory provisions of Section 105 have not been complied with. The petitioner has no criminal antecedent and is in custody since 13.12.2025.

5. Before parting with the record, this Court observes that it is indeed disheartening to note that in cases where the alleged seizure is made from an open place, the learned Trial Court has failed to properly apply its judicial mind and has merely relied upon the statement of the police as recorded in the F.I.R. From the seizure list itself, it transpires that the recovery was effected from behind the house of the petitioner, which is an open space. The learned Trial Court is expected to exercise its judicial discretion in accordance with law.

6. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

7. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Rupaspur P.S. Case No. 797 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned



Special Excise Judge, Danapur, Patna.

(Ashok Kumar Pandey, J)

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