

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25905 of 2026

Arising Out of PS. Case No.-36 Year-2026 Thana- MASAUDHI District- Patna

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Prem Gupta @ Prem Kumar Son of Nanhku Saw Resident of Mohalla -
Hanuman Nagar Vishwanath Mandir Road, Lakhibagh, Masaurhi, P.S.-
Masaurhi, District – Patna. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra, Advocate
For the Opposite Party/s : Mrs. Sucheta Yadav, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 24-04-2026 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(c) of the Bihar Prohibition and
Excise Act.

3. A perusal of the first information report and the
seizure list would go to show that 1950 kgs of Mahua flower
from 39 sacks has been recovered from the house of the
petitioner.

4. Learned counsel for the petitioner submits that the
house from where the recovery has been made is a joint family
property inhabited by several family members and the said
recovery was made at the back of the petitioner. As a matter of
fact, the petitioner does not reside in the said house. It has also
been submitted that no recovery has been made from the



physical or conscious possession of the petitioner and the mandatory provisions of the Cr.P.C. have also been violated as the seizure list has not been signed by any independent witness.

5. Learned APP submits that the petitioner has one criminal antecedent, to which learned counsel for the petitioner responds that the petitioner has already been granted bail in the said case which is of the year 2009.

6. Taking into consideration the facts and circumstances and also the fact that the said recovery has been made from the joint family house and the petitioner does not reside in the said house, 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 concerned where the case is pending/successor Court in connection with Masaurhi P.S. Case No.36 of 2026, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./Section 482 of the B.N.S.S., subject to further condition that:

(i) One of the bailors will be a family member/close relative.

(ii) The petitioner shall cooperate in the investigation/trial and in case of non-cooperation, the



prosecution would be at liberty to move an application for
cancelling the bail bonds of the petitioner.

(Soni Shrivastava, J)

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