

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33600 of 2026

Arising Out of PS. Case No.-149 Year-2026 Thana- KATEYA District- Gopalganj

Amit Gupta S/o Shyamlal Gupta @ Shivlal Gupta Resident of Village- Kanthi
Patti, P.S.- Baghauchghat, District- Deoria (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewanand Tiwari, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 10-06-2026 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

2. The petitioner seeks bail in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022 and Section 317(5) of the B.N.S.

3. Perusal of the first information report and the seizure list would go to show that 261 liters of illicit liquor is said to have been recovered from a dicky of the car. Petitioner is said to be the driver of the car.

4. It is submitted by learned counsel for the petitioner that there is no recovery from the conscious or physical possession of the petitioner. The petitioner happens to be the driver of the vehicle in question and he had no knowledge of



keeping of the said liquor in the vehicle. He was plying the vehicle at the instruction of his owner. There is violation of the mandatory provisions of the search and seizure as there is no independent witness to the seizure list. It is pointed out that the charge-sheet has been submitted in this case. Petitioner has no criminal antecedent and has been languishing in custody since 11.03.2026.

5. Taking into consideration the fact and circumstances of the case and also considering the fact that there is non-compliance of the mandatory provisions of search and seizure coupled with the fact that petitioner has no criminal antecedent, the above named petitioner is directed to 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 Kateya P.S. Case No.149 of 2026.

(Soni Shrivastava, J)

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