

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32627 of 2026

Arising Out of PS. Case No.-22 Year-2026 Thana- KUWARI District- Araria

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Pawan Kumar Mandal @ Pawan Kumar, Male, aged about 32 years, S/o Niraj Mandal, R/o Village- Khodhaili, Ward No- 05, P.S.- Palasi, District- Araria, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 13-05-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Kuwari PS Case No. 22 of 2026 dated 03.03.2026, instituted under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is of recovery of 4.950 liters foreign liquor from motorcycle belonging to the petitioner.

4. Learned counsel for the petitioner submits that nothing has been recovered from the conscious possession of the petitioner. The motorcycle of the petitioner was taken by his neighbour for taking his ailing mother to a Doctor for consultation. Further submission is that the search and seizure



has not been made as per mandatory requirement of Section 103 and 105 of *Bharatiya Nagrik Suraksha Sanhita*, 2023. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge –cum- Exclusive Special Judge Excise-II, Araria, in Kuwari PS Case No. 22 of 2026, subject to the conditions laid down in Section 482(2) of the *Bharatiya Nagarik Suraksha Sanhita*, 2023.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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