

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1010 of 2025

Arising Out of PS. Case No.-415 Year-2018 Thana- HAJIPUR SADAR District- Vaishali

Sunil Kumar Sah S/O Late Ramchandra Sah R/O Vill.- Khajurahi, Jhilbeli,
P.S.- Desari (Sahdei Buzurg O.P.), Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 30-04-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Hajipur Sadar P.S. Case no.415 of 2018 registered under
Sections 30(a) and 37(a)(d) of the Bihar Prohibition and Excise
Act, 2016.

3. As per the prosecution case, on seeing the police
party, the accused managed to escape. On search, 1.5 liters of
foreign liquor along with some articles were recovered in a field
adjacent to the poultry farm of accused Ratnakar Thakur.

4. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the case. There was no
independent witness to the seizure list and no recovery has been
made from the conscious possession of the petitioner or from his



house and also the petitioner is not the owner of the poultry. The field is an open space which is accessible to everyone. The petitioner has one criminal antecedent, however he is on bail in the said case. He undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State on the ground that the petitioner has approached this Court for grant of privilege of anticipatory bail after a substantial lapse of time.

6. At this stage, the petitioner is agreed to deposit a sum of Rs. 25,000/- in Mahavir Cancer Sansthan, Patna, bearing Account No. 3332964762, IFSC Code: CBIN0282779, Central Bank of India, Chitkohra Branch, Patna.

7. In view of the facts of the case that the illicit recovery was made from an open space which is accessible to everyone, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Hajipur Sadar P.S. Case no.415 of 2018 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 Exclusive Special Excise Court No. 1-cum-Additional District & Sessions Judge, Vaishali at Hajipur, subject to the



condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023 and subject to the further condition that:-

(I) One of the bailors of the petitioner shall be the family member/close relative of the petitioner.

(II) He shall co-operate in the investigation/trial and would make himself available before the Investigating Officer of the present case on an interval of every 15 days till the submission of the charge-sheet.

(III) The learned Court below would however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(IV) The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Mahavir Cancer Sansthan, Patna.

(Soni Shrivastava, J)

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