

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10486 of 2025

Arising Out of PS. Case No.-629 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

1. Pramod Rai S/O Vishwanath Rai R/O Vill.- Magaidih, P.S.- Chapra Muffasil, Dist.- Saran
2. Rajesh Rai S/O Vishwanath Rai R/O Vill.- Magaidih, P.S.- Chapra Muffasil, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate

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

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 24-04-2025 Learned counsel for the petitioner prays for withdrawal of the application on behalf of the petitioner no.2 has he has already been arrested and, therefore, this application has become infructuous.

2. Prayer is allowed.

3. This application is dismissed as withdrawn as against the petitioner no.2.

4. Now, this application survives only against petitioner no.1.

5. Heard learned counsel for the petitioner no.1 and learned APP for the State.

6. The petitioner no. 1 apprehends his arrest in connection with Chapra Mufassil P.S. Case No.629 of 2024



registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

7. A perusal of the First Information Report and the seizure list would go to show that a total 400 liters of country made liquor has been recovered which was kept beside the canal in eight plastic bags. It is stated that upon seeing the police, three persons have managed to flee away.

8. Learned counsel for the petitioner no. 1 submits that the name of the petitioner no. 1 has surfaced in the case on the disclosure made by the local villagers. No recovery has been made from the physical or conscious possession of the petitioner no.1.

9. It is further submitted that the place of recovery is an open place which is accessible to all and, hence no liability can be fixed upon the petitioner no.1. It is also submitted that there are no independent witnesses to the seizure list.

10. Learned APP for the State has opposed the prayer for anticipatory bail by stating that the petitioner no.1 has antecedent of one more case of same nature. In response to the same, learned counsel for the petitioner submits that the petitioner no.1 is on bail in the said case.

11. Taking into consideration the abovementioned facts and circumstances of the case, I am inclined to extend the privilege of anticipatory bail to the petitioner no.1. 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 1st Exclusive Special Excise Judge, Saran at Chapra in connection with Chapra Mufassil P.S. Case No.629 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and subject to the further condition that:-

(i) The petitioner no.1 shall cooperate in the investigation/trial.

(ii) The court below shall verify the criminal antecedent of the petitioner no. 1 and in case it is found that he has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no.1. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

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