

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3012 of 2025

Arising Out of PS. Case No.-118 Year-2024 Thana- VIDYAPATINAGAR District-
Samastipur

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SUDHIR KUMAR NIRALA @ SUDHIR KUMAR S/O RAM DAYAL
AZAD RESIDENT OF VILLAGE SAHIT, WARD NO 10, P.S-
VIDYAPATINAGAR, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anirudh Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 02-05-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Vidyapatinagar P.S. Case no.118 of 2024 registered under
section 30(a) of the Bihar Prohibition and Excise Amendment
Act, 2022.

3. A bare perusal of the F.I.R and the seizure list
would go to show that 99 liters of foreign liquor is said to have
been recovered from an old rickety auto laying in a bamboo
bush.

4. Learned counsel for the petitioner submits that
F.I.R is registered against unknown. The petitioner has been
falsely implicated in the case only for the reason that he happens
to be the registered owner of the said vehicle. The said auto was



not in working condition and the same had been abandoned by the petitioner and he was not aware of it being put to any illegal use. No recovery has been made from physical or conscious possession of the petitioner. Learned counsel for the petitioner further submits that no independent witness is there on the seizure list further indicating violation of mandatory provisions of the B.N.S.S. The petitioner undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State who submits that the petitioner has two criminal antecedents, but is on bail in the same.

7. In view of the aforesaid facts of the case, 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 Vidyapatnagar P.S. Case no.118 of 2024 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 Judge Excise 1st, Samastipur, 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 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.

(Soni Shrivastava, J)

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