

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10407 of 2025

Arising Out of PS. Case No.-246 Year-2024 Thana- BISFI District- Madhubani

1. Indal Sadai @ Indal Kumar Sada Son of Pargas Sadai @ Pragas Sada Resident of Village - Bisfi Bharan Tol, P.S. - Bisfi, District - Madhubani
2. Amiri Sadai @ Amiri Sada Son of Pargas Sadai @ Pragas Sada Resident of Village - Bisfi Bharan Tol, P.S. - Bisfi, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumari Pallavi
For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 07-05-2025 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, there is a total of 108 liters of Nepali liquor which was recovered near a bridge which was concealed in the southern side of the bridge.

4. Learned counsel for the petitioner submits that the name of the petitioner has surfaced in the present case on the basis of disclosure made by the local chowkidar only on the basis of suspicion. There is no recovery from the personal or conscious position of the petitioner and the place of



recovery is an open space which is accessible to all. The mandatory provision of search and seizure has also not been followed as there is no independent witness to the seizure list.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the above facts and circumstances and that the petitioner has no criminal incident, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Madhubani, in connection with Bisfi P.S. Case No.246 of 2024, 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 and subject to the further condition that:-

(i) the petitioner shall co-operate in the investigation/trial.

(ii) the learned Court 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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