

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10663 of 2025

Arising Out of PS. Case No.-547 Year-2024 Thana- OBRA District- Aurangabad

1. Sonu Kumar @ Nitish Kumar S/O Lalan Singh @ Lallu singh R/O Village-Tejpura, P.S-Obra, District-Aurangabad.
2. Lalan Singh @ Lallu singh S/O Doma Singh R/O Village-Tejpura, P.S-Obra, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumari

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 08-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. A perusal of the First Information Report and the seizure list would go to show that 135 liters of country made liquor has been recovered from the bushes near Sone Diyara and two motorcycles were also seized from the place of occurrence.

4. Learned counsel for the petitioners submits that petitioner no. 1 is owner of the seized motorcycle bearing Registration No. BR 02AR 0127 but as a matter of fact, no



liquor was recovered from the said motorcycle. It is submitted that the recovery was made from an open place which was accessible to all and hence, no liability can be fixed upon the petitioners. The name of the petitioners has actually surfaced in the case on the basis of wrong identification made by the local Choukidar. It is also submitted that the petitioner no. 2 being the father of the petitioner no. 1 has also been made an accused in the present case. The mandatory provision of search and seizure have also been violated. The petitioners have no criminal antecedent.

5. Learned APP for the State has opposed the application for anticipatory bail.

6. Considering the above-mentioned facts and circumstances, I am inclined to extend the privilege of anticipatory bail to the petitioners. Let the above named petitioners, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Obra P.S. Case No. 547 of 2024, subject to the condition as laid down



under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S. and
subject to the further condition that:-

(i) The petitioners shall cooperate in the
investigation/trial.

(ii) The court below shall verify the criminal
antecedent of the petitioners and in case it is found that the
petitioners have concealed their criminal antecedent, the court
below shall take step for cancellation of bail bond of the
petitioners. However, it is expected that the verification process
would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

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