

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11243 of 2025

Arising Out of PS. Case No.-183 Year-2024 Thana- KALUAHI District- Madhubani

Md. Salman S/O Md. Akhtar R/O Village and P.O. and P.S.- Kaluahi, Distt.-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha
For the Opposite Party/s : Mr. Akbar Ali

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 13-05-2025 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 Sections 41, 47 and Section 30(a) of the Bihar Prohibition and Excise Act, 2016 and Section 3(5) of the Bihar Nyay Sanhita.

3. A perusal of the First Information Report and the seizure list would go to show that a recovery of 82.8 liters of Nepali liquor from a tempo, which was found in a forest area.

4. Learned counsel for the petitioner submits that the name of the petitioner has surfaced in this case on account of the statement made by co-accused Ranjeet Kumar Yadav stating



that he was the driver of the alleged tempo. However, the petitioner was not named in the F.I.R. It has been submitted that the petitioner is not the owner of the alleged seized tempo and the same belongs to one Amar Kumar. However, it is submitted that the petitioner has no concern either with the tempo or with the seized liquor. Further, there is no independent witness to the seizure list, thereby violating the mandatory provisions of search and seizure.

5. Learned APP for the State opposes the prayer for anticipatory bail application and submits that the petitioner is accused in one case of similar nature, in response to which learned counsel for the petitioner submits that he is on bail in the said case.

6. Considering the above facts and circumstances, 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 Addl. Sessions Judge-II-cum-Special Judge, (Excise Act) Madhubani, in connection with Kaluahi P.S. Case No.183 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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