

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16094 of 2025

Arising Out of PS. Case No.-405 Year-2024 Thana- Excise P.S. District- Rohtas

Rajindra Sah @ Rajendra Sah @ Rajendra Gupta S/O Late Hetan Sah @
Hitan Sah R/O Village- Shivganj Amra Talab, Police Station- Sasaram (M),
Distt.- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh

For the Opposite Party/s : Mr.Kanhiya Kishor

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 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 Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the First Information Report and the seizure list, there is a total recovery of 900ml of foreign liquor from a Hero Honda motorcycle bearing Registration No.BR24Q-1402.

4. Learned counsel for the petitioner submits that the petitioner has not been named in the F.I.R. and one Ashish Kumar, who is son of the petitioner was taken into custody, from whose possession the motorcycle and the liquor was recovered. The name of the petitioner has only surfaced on



account of the fact that he is the owner of the said motorcycle and no recovery has been made from the physical and conscious possession of the petitioner. Further, there is no independent witness to the seizure list, thereby violating the mandatory provisions of search and seizure. The petitioner has no criminal antecedent.

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

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 Exclusive Special Judge, Excise Court No.1, Rohtas at Sasaram, in connection with Excise P.S. Case No.1098 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 subject to the further condition that the petitioner shall co-operate in the investigation/trial.

(Soni Shrivastava, J)

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