

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13529 of 2025

Arising Out of PS. Case No.-150 Year-2024 Thana- BUXAR INDUSTRIAL District- Buxar

Sanni Deval @ Sanni Kumar @ Sunny Deol S/O Mallu Prasad @ Bhalu
Kamakar R/O Village- Balihar, P.S- Simari, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Adv.

For the State : Mr. Ram Sumiran Rai, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. 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 (Amendment) Act, 2018.

3. The recovery of total 43.2 litres of foreign liquor has been shown from a white sack which was recovered from a grey colour Honda Sine SP-125 motorcycle.

4. Learned counsel for the petitioner submits that the allegation levelled against the petitioner is totally incorrect and the name of the petitioner has transpired in the present case on account of the fact that he is the owner of the seized motorcycle. It is further submitted that no recovery was made from physical and conscious possession of the petitioner and



the said motorcycle was not being driven by him at the time of alleged occurrence and hence, he had no knowledge that the same had been put to some illegal use. Learned counsel for the petitioner further submits that the process of search and seizure also amounts to violation of the mandatory provisions as there is no independent witness to the said seizure. It is next submitted that the petitioner will neither abscond nor tamper with the evidence rather will cooperate in the investigation.

5. Learned APP for the State opposes the prayer for anticipatory bail on the ground that the petitioner has one criminal antecedent under NDPS Act. In response to the same, it is submitted on behalf of the petitioner that he is on bail in the said case.

6. Considering the fact that there is no recovery from physical and conscious possession of the petitioner and also that there is no independent witness to the said seizure/search, I am inclined to grant the privilege of anticipatory bail to the petitioner. 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 1st,



Buxar in connection with Buxar (Industrial) P.S. Case No.150 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023 and the further conditions that

i) One of the bailors will be family members or own close relatives of the petitioner who will give an affidavit genealogy as to how he is relative to petitioner.

ii) The petitioner shall co-operate in the trial and also in the process of investigation.

iii) The learned Court below would 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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