

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13494 of 2025

Arising Out of PS. Case No.-586 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Horil Ray Son of Late Jagdev Ray (Wrongly 60 years in PR) Resident of
Village - Mohaddipur, P.S. - Chiraiya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.
For the State : Mr. Dr. Kumar Uday Pratap, APP.

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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, 2022.

3. The recovery of total 35 litres of country made liquor, 4200 litres of fermented jaggery *ghol* and one machine for manufacturing liquor has been shown from the bank of a canal.

4. Learned counsel for the petitioner submits that the allegation levelled against the petitioner is not correct and no recovery was made from his physical and conscious possession. His name has been disclosed by the local people as one of the persons who fled away from the place of occurrence.



The place of recovery is an open space and accessible to all and hence, no liability can be fixed upon the petitioner. 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 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 petitioner has as many as eleven criminal antecedents. However, in response to the same, it is submitted on behalf of the petitioner that he is on bail in all the cases enumerated in para 3 of the bail application.

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 Excise Judge-2, East



Champaran, Motihari in connection with Excise P.S. Case No.586 of 2020, 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 condition that the learned Court below 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.

7. However, it is made clear that in case the petitioner is further made an accused in any other case of similar nature and if he does not cooperate in the investigation by making himself available at an interval of eleven days before the investigating officer till the submission of charge sheet, the informant would be at liberty to file an application before the learned Court below to cancel the bail bond of the petitioner.

(Soni Shrivastava, J)

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