

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13528 of 2025

Arising Out of PS. Case No.-68 Year-2024 Thana- Kasar District- Sheikhpura

Pankaj Kumar @ Pankaj Yadav S/O Late Surendra Yadav R/o Vill.- Chorbar,
P.S - Kasar, District - Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.
For the State : Ms. Madhuri Lata, 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 Act, 2016

3. The recovery of total 40 litres of country made wine, 350 litres of fermented *mahua* and 20 kg of *rawa*, which was destroyed by the police, has been shown near the house of the petitioner.

4. Learned counsel for the petitioner submits that the allegation levelled against the petitioner is not correct and his name has transpired in the present case on account of wrong identification and suspicion raised by local *Chowkidar*. It is further submitted that no recovery was made from physical and



conscious possession of the petitioner. The recovery has been made from an open space near the house of the petitioner which is accessible to all and hence, no liability can be fixed upon him. 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.

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 who has no criminal antecedent. 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, Sheikhpura in connection with Kasar P.S. Case No.68 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 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.

(Soni Shrivastava, J)

divyanshi/-

U		T	
---	--	---	--

