

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.12208 of 2025

Arising Out of PS. Case No.-598 Year-2024 Thana- DUMRA District- Sitamarhi

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1. Kanchan Kumar S/o Sakindra Rai @ Sikander Rai R/o village - Vishwanathpur, ward no. -44, P.S. - Dumra, Dist. - Sitamarhi
 2. Chandan Kumar S/o Sakindra Rai @ Sikander Rai R/o village - Vishwanathpur, ward no. -44, P.S. - Dumra, Dist. - Sitamarhi
- Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

3 09-05-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. A perusal of the first information report and the seizure list would go to show that a total 16.153 liters of illicit wine was recovered from the door of petitioner no.2, Chandan Kumar and, on seeing the police party, all the accused persons managed to escape from the place of occurrence.

4. Learned counsel for the petitioners submits that as a



matter of fact the recovery was not made exactly from the door of the petitioner, Chandan Kumar, rather little away from the door. It is further submitted that due to animosity someone has kept the illicit wine to falsely implicate these petitioners. It is further submitted that the place of recovery is an open place and easily accessible to anyone. It is also a fact that the petitioners were not caught on the spot and nothing has been recovered from the physical or conscious possession of the petitioners. There is violation of the provisions of 100 (4) Cr.P.C. in making search and seizure.

5. Taking into consideration the abovementioned facts and circumstances of the case and further that the petitioners have no criminal antecedent, I am inclined to extend the privilege of anticipatory bail to the petitioners. Let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/ successor Court in connection with Dumra P.S. Case No.598 of 2024, subject to the condition as laid down under Section 482 (2) of the B.N.S.S. and subject to



the further condition that the petitioner shall cooperate in the investigation/trial.

(Soni Shrivastava, J)

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