

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15441 of 2025

Arising Out of PS. Case No.-9 Year-2025 Thana- SIWAN MUFFASIL District- Siwan

Kailendra Sah @ Kailendra Kumar S/o- Balindra Sah Resident Of Village-
Sarsa, Po- Bhanta Pokhar, Ps-Siwan Muffasil, Dhanauti OP, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Shahi, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 02-04-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has preferred this application for
grant of anticipatory bail apprehending his arrest in connection
with Siwan Muffasil P.S. Case no.09 of 2025 registered under
section 30(a) of the Bihar Prohibition and Excise Amendment
Act, 2018.

3. As per the prosecution case, the informant states
that on seeing police personnel all the accused including the
petitioner herein left their black colored Scorpio and managed to
escape. On search, a total of 602.130 liters of Indian Made
Foreign Liquor is said to have been recovered from the seized
vehicle in question.

4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the case. He is neither the owner nor the driver of the seized Scorpio vehicle. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that no independent witness is there on the seizure list further indicating violation of mandatory provisions of the B.N.N.S. Learned counsel for the petitioner also submits that in the circumstances, provisions of Bihar Prohibition and Excise Act, 2016, would not be applicable as against the petitioner and hence, the bar under Section 76(2) of the said Act would not act as an impediment to grant of anticipatory bail. The petitioner has three more criminal antecedents under the Bihar Prohibition and Excise Act, it is for this reason that the police has implicated him in the present case and has also shown false recovery. The petitioner undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. In view of the aforesaid facts of the case, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in



connection with Siwan Muffasil P.S. Case no.09 of 2025 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 Exclusive Special Excise Judge-II, Siwan, 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:-

(i) He shall co-operate in investigation/trial.

(ii) The learned Court below shall verify the criminal antecedent of the petitioner before releasing him on bail and if, it is found that the petitioner is involved in any other cases, his bail bond shall not be accepted by the learned Court below.

(Soni Shrivastava, J)

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