

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13538 of 2025

Arising Out of PS. Case No.-103 Year-2024 Thana- SAHPUR District- Bhojpur

Dilip Yadav Son of Laxman Yadav Resident of village - Suhiyan, P.S.-
Shahpur, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bibhakar Tiwary
For the Opposite Party/s : Mr. Jai Narain Thakur

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.

3. The recovery of total 17.25 litres of foreign liquor has been shown from a bag which was being carried on a motorcycle driven by the petitioner who managed to escape and the pillion rider, namely, Sonu Kumar was apprehended on the spot.

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 surfaced in the present case on the



basis of the confessional statement of the apprehended co-accused Sonu Kumar Yadav before police and besides the said fact, there is nothing else to connect him to the present offence. The further submission is 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.

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 Court No.II, Bhojpur at Ara in connection with Shahpur P.S. Case No.103 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)

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