

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13999 of 2025

Arising Out of PS. Case No.-119 Year-2024 Thana- ISLAMPUR District- Nalanda

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Baua Sapera @ Sanjeet Sapera, aged about 29 years, Male, Son of Mahendra Sapera, Resident of Village- Ichahos Takiyapur, P.S.- Islampur, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 28-03-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Islampur P.S. Case No. 119 of 2024 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 120 liters country made liquor has been recovered from the accused persons.

4. Learned counsel for the petitioner submits that petitioner is innocent has committed no offence and has falsely been implicated in this case. He submits that petitioner was not arrested on the spot and nothing has been recovered from the conscious possession of the petitioner. He further submits that



the name of the petitioner has been surfaced in this case from the statement of arrested co-accused Ranju Devi. He next submits that there is no any independent witness of the seizure list rather the same are the members of raiding party. Petitioner has got clean antecedent as stated in para 3 of the petition.

5. Learned APP opposes the prayer for anticipatory bail.

6. From perusal of the FIR, seizure list and the impugned order of the learned 4th Additional District and Sessions Judge-cum-Special Judge, Excise-II, Nalanda at Biharsharif dated 31.01.2025, it appears that on the basis of written report of the informant Sanjay Kumar Mishra, FIR has been registered under Section 30(a) of the Bihar Prohibition and Excise Act against fifteen accused persons including the petitioner. It also appears that there is no any recovery from the conscious possession or house of the petitioner but his name has been surfaced in this case from the statement of arrested co-accused Ranju Devi. Similarly situated co-accused persons namely Sanjit Sapera @ Sanjeev Kumar and Anita Devi have been granted anticipatory bail by a co-ordinate Benches of this Court in Cr. Misc. No. 49905 of 2024 and 45839 of 2024 vide orders dated 14.08.2024 and 24.07.2024 respectively, so



considering all these aspects let the petitioner above named in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IV-cum-Special Judge, Excise-II, Nalanda at Biharsharif in connection with Islampur P.S. Case No. 119 of 2024, subject to the conditions laid down in Section 438(2) of the Cr.P.C., subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the Court below shall verify the criminal antecedent of the petitioner and in case at any stage 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, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ramesh Chand Malviya, J)

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