

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15993 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- BARACHATTI District- Gaya

Md. Sagir S/o- Md. Saheb Alam @ Md. Saheb Village- Gajragadh Ps-
Barachatti Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Harendra Prasad, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 18-04-2025 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 (Amendment) Act, 2018.

3. From perusal of the FIR as also the seizure list, it would appear that total 23.5 litres of foreign liquor was recovered from the joint house of the petitioner and other accused persons.

4. Learned counsel for the petitioner submits that no recovery was made from physical and conscious possession of the petitioner and the house from which the recovery is said to have been made is a joint family property. It is further submitted that there is no independent witness to the seizure



list which would show the violation of the mandatory provisions of the search and seizure and it is only due to some ulterior motive, the petitioner has been named in the instant case.

5. Learned APP for the State opposes the prayer for anticipatory bail on the ground that the petitioner is an accused in another case of the similar nature to which learned counsel for the petitioner replies that he has filed a supplementary affidavit to bring on record the said fact that he is an accused in one more case in the similar nature and in the same, he is on bail. Learned counsel for the petitioner also claims parity to other co-accused persons who have been granted the privilege of anticipatory bail by this Court vide order dated 02.04.2025 passed in Cr. Misc. No. 15337 of 2025.

6. Considering all the facts and circumstances of the case particularly that there is no recovery from physical and conscious possession of the petitioner and similarly situated co-accused have been granted the privilege of anticipatory bail, I am inclined to grant the privilege of anticipatory bail to the petitioner. 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 the learned Exclusive Special Judge Excise-V, Gaya in connection with Barachatty P.S. Case No.01 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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