

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16537 of 2025

Arising Out of PS. Case No.-219 Year-2024 Thana- NATWAR District- Rohtas

Radhey Krishna @ Butan Son of Rajendra Singh @ Kamlesh Singh R/o -
Jagdishpur, P.S - Natwar, (Semra), District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 16-05-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor 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, 2016

3. As per the prosecution case, there is a recovery of 8 litres of country made liquor from Passion Pro motorcycle.

4. Learned counsel for the petitioner submits that the name of the petitioner has been disclosed by the local chaukidaar only on suspicion and the petitioner was neither the owner of the said motorcycle nor is in any way concerned with the said seized liquor. There is no independent witness to the seizure list, thereby violating the mandatory provisions of search and seizure. No recovery has been made from the



physical and conscious possession of the petitioner.

5. Learned APP for the State opposes the prayer for anticipatory bail application on the ground that there is one criminal antecedent of similar nature, in response to which learned counsel for the petitioner submits that he is on bail in the said case.

6. Considering the above facts and circumstances, 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 Excise Court No.2-cum-District and Additional Sessions Judge, Rohtas at Sasaram, in connection with Natwar P.S. Case No.219 of 2024 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 and subject to the further condition that:-

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

(ii) the learned Court 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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