

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18675 of 2025

Arising Out of PS. Case No.-373 Year-2024 Thana- Excise P.S. District- Saharsa

Shiv Kumar S/O Naresh Yadav Resident of Village- Bedi, Ward No. 11, PS-
Simri Bakhtiyarpur, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 19-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. The perusal of the first information report and seizure list would go to show that a total of 113.500 litres of cough syrup containing Codine has been recovered from a four wheeler during checking.

4. It has been submitted on behalf of the learned counsel for the petitioner that it would appear from the first information report itself that the name of the petitioner has been taken only on the basis of suspicion and subsequently it has been stated that the vehicle in question belongs to the present petitioner. The petitioner however was not present in the vehicle



and was not arrested from the spot. There is no recovery from the personal or conscious possession of the petitioner and further the mandatory provisions of search and seizure have also been violated as the two witnesses to the seizure list are members of the raiding party. The petitioner has no criminal antecedent.

5. Learned APP for the State opposes the prayer for grant of anticipatory bail to the petitioner.

6. At this stage, the petitioner has agreed to deposit an amount of Rs. 5,000/- in the account of Patna High Court Legal Services Committee, Patna bearing Account No. 1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

7. 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 Saharsa P.S. Case No. 373 of 2024 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 Chief Judicial Magistrate, Saharsa, 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 the bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Patna High Court Legal Services Committee.

(Soni Shrivastava, J)

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