

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27756 of 2025

Arising Out of PS. Case No.-22 Year-2025 Thana- Rasalpur District- Bhagalpur

1. Juli Kumari D/O Late Raina Mahaldar
 2. Ranjan Kumar @ Ranjan Mahaldar S/O Raina Mahaldar Both are R/O Village- Naya Tola Bholsar, P.S- Rasalpur, Distt.- Bhagalpur.
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

- 2 07-05-2025 1. Learned counsel for the petitioners seek permission to withdraw the anticipatory bail application with respect to petitioner no.1, namely, Juli Kumari.
2. Permission is accorded.
3. Accordingly, the anticipatory bail application is dismissed as withdrawn as against petitioner no.1.
4. Heard learned counsel for the petitioner as well as learned APP for the State.
5. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 115(2), 126(2), 132, 352 of BNS Act & 30(a)/45 of the Bihar Prohibition and Excise Amendment Act, 2018 in connection with Rasalpur P.S. Case No.22 of 2025.
6. Allegation is of recovery of 3.75 liters of liquor



from a white colour plastic water tank.

7. The learned counsel for the petitioner submits that the petitioner has antecedent of one case in which he is on bail. Learned counsel for the petitioner further submits that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession. It is next submitted that the alleged recovery is from a place which does not belong to the petitioner and he came to be implicated by the local 'Chowkidar' with whom he is on inimical term. It is also submitted that the search and seizure memo is not witnessed by two independent witnesses, which puts a serious question mark on the legality and validity of the seizure.

8. The learned APP for the State opposes the anticipatory bail application.

9. Considering the fact that only a minuscule amount of only 3.75 liters illicit liquor is alleged to have been recovered from the water tank existing in the premise of the petitioner and also that nothing has been recovered from the conscious possession of the petitioner in-person and further that the petitioner has one criminal antecedent of similar nature in which he is on bail and also the fact that the search and seizure memo is not witnessed by two independent witnesses, which puts a



serious question mark on the legality and validity of the seizure itself, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

10. Accordingly, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000 /- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge- in connection with Rasalpur P.S. Case No.22 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C./Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita.

(Alok Kumar Sinha, J)

Prakash Narayan

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