

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29842 of 2025

Arising Out of PS. Case No.-254 Year-2024 Thana- NAUTAN District- Siwan

Ishwar Dayal Singh S/o- Late Vishwanath Singh Village- Mathanpura post-office Pipra PS- GV Nagar Tarwara Distt- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rama Nand Poddar, Advocate

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 30-06-2025 1. Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Nautan P.S. Case no.254 of 2024 registered under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, 108 liters of country made liquor was recovered from a Hero Honda Shine motorcycle bearing Registration No. BR29K4056. One accused Deepak Kumar Yadav was arrested at the spot.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The cause of his false implication is only for the reason that he happens to be the registered owner of the seized motorcycle. No recovery has been made from the physical or conscious possession of the



petitioner. It has further been stated in paragraph 8 of the petition that petitioner had earlier sold his motorcycle to accused Deepak Kumar Yadav and the petitioner has no concern with the alleged liquor. There is no independent witness to the seizure list and hence, mandatory provisions of search and seizure have been violated. The petitioner has no criminal antecedent and undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. 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 Nautan P.S. Case no.254 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 Court below where the case is pending/successor Court, 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.

(Soni Shrivastava, J)

Harsh/-

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