

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28730 of 2025

Arising Out of PS. Case No.-9 Year-2025 Thana- SIWAN MUFFASIL District- Siwan

Abhishek Ram @ Sheru Kumar S/o Harendra Ram R/o Village- Gandharpa,
P.S.- Nautan, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate

For the Opposite Party/s : Mrs. Dr. Indihar Kumari, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 02-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. A perusal of the First Information Report and the seizure list would go to show that total 602.30 liters of foreign liquor has been recovered from a Scorpio vehicle.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case merely on suspicion. The name of the petitioner has been disclosed by the local persons due to animosity. The petitioner is neither the driver nor the owner of the said vehicle. There is no independent witness to the said seizure, whereas both the witnesses are



official witnesses. As a matter of fact, no recovery has been made but the petitioner has been framed due to some village politics. It has also been submitted that no recovery has been made from the physical or conscious possession of the petitioner and the mandatory provisions of the Cr.P.C. have also been violated as the seizure list has not been signed by any independent witness.

5. Learned APP submits that the petitioner has one criminal antecedent of the same nature to which learned counsel for the petitioner responds that the petitioner has already been granted bail in the said case.

6. Considering the abovementioned facts and circumstances, I am inclined to extend the privilege of anticipatory bail to the petitioner. Let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, 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 in connection with Siwan Mufassil P.S. Case No.09 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and subject to the



further condition that:-

(i) The petitioner shall cooperate in the investigation/trial.

(ii) The court below shall 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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