

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27833 of 2025

Arising Out of PS. Case No.-348 Year-2023 Thana- SONBERSA District- Sitamarhi

Devendra Thakur @ Debendra Thakur Son of Suryadeb Thakur Resident of
Village- Ward No. 09, Pakariya, P.O.- Pipra Parsain, P.S.- Sonbarsa, District-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ayush Kumar, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 07-05-2025 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner apprehend his arrest in connection
with Sonbersa P.S. Case No. 348 of 2023, registered under
Section 30(A) of Bihar Prohibition and Excise (Amendment)
Act, 2022.

3. As per the prosecution case, 1290 litres of Nepali
Saufi wine was recovered from the hut situated in an orchard by
the raiding-police party. The illicit liquor was hiding by the
petitioner and other accused person in the said hut.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has been falsely implicated in this
case. Petitioner further submits that the search and seizure



memo is not also witnessed by two independent witnesses which is requirement of law and hence the legality and validity of the seizure is under question. Petitioner further submits that he has 11 criminal antecedent but he stands acquitted in four cases, i.e., (i) Sonvarsa P.S. Case No. 15 of 2004, (ii) Sonvarsa P.S. Case No.16 of 2004, (iii) Sonvarsa P.S. Case No. 17 of 2004 and (iv) Bela P.S. Case No.22 of 2000 and the petitioner is on bail in three cases, i.e., (i) Bela P.S. Case No. 02/2011, (ii) Sonbarsa P.S. Case No.316 of 2023, (iii) Sonbarsa P.S. Case No. 90 of 2021 and in rest in 4 cases which have been described in the paragraph 3 of the application, counsel for the petitioner submits that the bail of the petitioner is pending.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for anticipatory bail and submits that the petitioner has criminal antecedent of similar nature.

6. Considering the fact that the recovery of illegal foreign liquor has not been done from the conscious possession of the petitioner, I am inclined to grant privilege of anticipatory bail to the petitioner.

7. Let the petitioner, named above, in the event of his arrest or surrender before the Court below within four weeks



from today, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five thousand) with two sureties of the like each amount each to the satisfaction of learned Exclusive Special Judge, Excise, Court No.I, Sitamarhi, in connection with Sonbersa P.S. Case No. 348 of 2023, subject to the condition laid down under Section 482 of the Bhartiya Nyaya Sanhita.

(Alok Kumar Sinha, J)

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