

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30880 of 2025

Arising Out of PS. Case No.-45 Year-2025 Thana- CHERIYA BARIYARPUR District-
Begusarai

Ashok Sahani Son of Late Laddu Lal Sahani Village- Bashi, Ps- Cheriya,
Bariyarpur, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Adv.
For the State : Mr. Arun Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 08-07-2025 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 30(a), 41(2), (1) of
the Bihar Prohibition and Excise Act.

3. The recovery of total 251.340 litres of foreign liquor has
been shown near a pond concealed under bushes.

4. Learned counsel for the petitioner submits that no
recovery was made from physical and conscious possession of
the petitioner. His name has surfaced in this case on the basis of
secret information and disclosure made by the local *Chowkidar*.
It is next submitted that the place of recovery is an open area
which is accessible to all and the process of search and seizure
also amounts to violation of the mandatory provisions as there is



no independent witness to the said seizure.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail on the ground that the petitioner has five criminal antecedents. In response to the same, it is submitted on behalf of the petitioner that all the cases are old cases of the years 2010 and 2011 in which the petitioner is on bail and is also facing trial and as per the information received by learned counsel appearing for the petitioner, the petitioner has also been acquitted in one of the cases.

6. At this stage, learned counsel for the petitioner submits that the petitioner is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in 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 such view of the matter, I am inclined to grant the privilege of anticipatory bail to the petitioner. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Cheriya Bariyarpur P.S. Case No. 45 of 2025,



subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023 and also to the following conditions that:

(I) One of the bailors shall be a family member or a close relative of the petitioner, who would give an affidavit giving genealogy as to how he is related with the petitioner.

(II) The learned 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 learned Court below shall take steps for cancellation of bail bonds of the petitioner. However, it is expected that the verification process would be done expeditiously without causing delay.

(III) The petitioner shall appear before the Investigating Officer of the concerned Police Station at an interval of every 15 days till charge sheet is submitted against him.

8. It is made clear 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 Patna High Court Legal Services Committee, Patna

(Soni Shrivastava, J)

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