

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30357 of 2025

Arising Out of PS. Case No.-35 Year-2025 Thana- BAIKUNTHPUR District- Gopalganj

Raju Ray @ Ranjan Kumar S/o- Balishtar Ray Village- Baikunthpur, P.S.-
Baikunthpur, District Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Adv.

For the State : Mr. Uma Shankar Prasad Singh, 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 Section 111/112 of the B.N.S., 2023 and Section 30(a) of the Bihar Prohibition and Excise Amendment Act.

3. The recovery of total 200 litres of spirit has been shown from a sugarcane field of one Virendra Baitha.

4. Learned counsel for the petitioner submits that the name of the petitioner along with others has surfaced in this case on account of a disclosure made by one Guddu Ray who was apprehended by the police. It is next submitted that no recovery was made from physical and conscious possession of the petitioner and it would be apparent from the seizure list



itself that the sugarcane field does not belong to this petitioner. It is also submitted that the process of search and seizure 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 two criminal antecedents of similar nature. In response to the same, it is submitted on behalf of the petitioner that he is on bail in both the cases.

6. Considering the entire facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten 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 Baikunthpur P.S. Case No. 35 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.

(Soni Shrivastava, J)

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