

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32318 of 2025

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

Anil Kumar Singh @ Anil Singh S/O Virendra Singh @ Late Ravindra Singh
R/O Village- Pakari Narotam, P.S- Panapur, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Mayank Raj, Advocate Mr. Avinash Kumar, Advocate Mr. Rahul Singh, Advocate
For the Opposite Party/s	:	Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 22-08-2025 Heard Mr. Ramakant Sharma learned senior counsel
for the petitioner and learned APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 111, 112 of BNS and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. The allegation is of recovery of total of 200 litres of spirit which has been shown from the sugarcane field of one Birendra Baitha. Learned senior counsel for the petitioner submits that the name of the petitioner along with others has surfaced in this case on account of disclosure made by one



Guddu Rai who was apprehended by the police. It is next submitted that there is no recovery from the physical and conscious possession of the petitioner rather recovery is from the sugarcane field which is an open space, accessible to all. Further, there is no independent witness to the seizure list which amounts to violation of the mandatory provisions of search and seizure. It has also been submitted that one of the co-accused Raju Ray has already been granted the privilege of anticipatory bail vide order dated 08.07.2025 passed in Criminal Miscellaneous No. 30357 of 2025.

4. Learned APP for the State, however, opposes the prayer for bail on the ground that the petitioner is accused in six other cases of similar nature. However, in response to the same, it has been submitted that the petitioner is on bail in four of the cases and it has also been submitted that it is only due to his criminal antecedent, the petitioner has been made accused in the present case also.

5. Considering the facts and circumstances of the case and also taking into consideration the fact that one of the co-accused has already been granted the privilege of anticipatory bail, and there is no recovery from the conscious and physical possession, 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 **Baikunthpur P.S. Case No. 35 of 2025** 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, 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, along with following conditions:-

- (i) One of the bailors will be a family member/close relative.
- (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 steps for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously, preferably within a period of two weeks.
- (iii) The petitioner shall cooperate in the investigation/trial.

(Soni Shrivastava, J)

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