

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33914 of 2025

Arising Out of PS. Case No.-190 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

Sharadhalu @ Shradhalu Son of Ramsakha Resident of village -Pachfediya
P.S.- Chakiya District -Chandauli (UP)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajani Kant Pandey, Adv.
For the State	:	Mr. Yogendra 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 Section 30(a)/32(3) of the Bihar Prohibition and Excise Act, 2022.

3. The FIR and the seizure list would show that a total of 68.425 litres of country made liquor has been recovered from a CNG Tempo bearing registration no. UP67BT1034 and the driver succeeded in fleeing away.

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 account of the fact that he happens to be the owner of the seized tempo, however, it is submitted that the said tempo had already been stolen as indicated in paragraph 6 of the petition and hence, the



petitioner had no knowledge whatsoever that the same was being put to illegal use. It is further submitted that the process of search and seizure also amounts to violation of the mandatory provisions as there is no independent witness to the said seizure and this petitioner has no criminal antecedent as mentioned in para 3 of the bail application.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail.

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 Bhabua P.S. Case No. 190 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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