

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32929 of 2025

Arising Out of PS. Case No.-223 Year-2024 Thana- LAUKAHI District- Madhubani

Md. Anwar S/o Md. Ishak R/o vill - Kariyaut Bantola, P.s- Laukahi, Distt.-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Adv.
For the State : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 26-06-2025 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 274 & 275 of the B.N.S., 2023 and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. The recovery of total 108 litres of country made Nepali liquor has been shown from the bank of a river and the petitioner is said to have succeeded in fleeing away.

4. Learned counsel for the petitioner submits that no recovery was made from physical and conscious possession of the petitioner rather the same has been made from an open space which is accessible to all. The name of the petitioner has surfaced in the present case on a disclosure of the local



Chowkidar and the villagers. 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.

5. Learned APP for the State opposes the prayer for anticipatory bail on the ground that the petitioner has four criminal antecedents out of which three are of similar nature.

6. Considering the fact that no recovery has been made from physical and conscious possession of the petitioner and also that there is no independent witness to the said seizure/search, 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. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-II-cum-Special Judge, Excise, Jhanjharpur, Madhubani in connection with Laukahi P.S. Case No.223 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023 and further subject 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 would 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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