

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35793 of 2025

Arising Out of PS. Case No.-137 Year-2025 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Krishnandan Kumar @ Krishna Kumar S/o Anil Jha R/o Village- Sikandarpur
RAjaura, P.S.- Muffasil, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Adv.

For the State : Mr. Mukesh Kumar Singh, APP

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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) of the Bihar Prohibition and Excise Act.

3. The recovery of total 225 litres of foreign liquor along with a motorcycle has been shown from a maize field.

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 motorcycle. However, there is no recovery from the said vehicle and the place of recovery is a maize field which is accessible to all. 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 facts that there is no recovery from physical and conscious possession of the petitioner, there is no independent witness to the said seizure/search and also that this petitioner has no criminal antecedent, 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 the learned lower Court where the case is pending/successor Court in connection with Muffasil P.S. Case No. 137 of 2025, 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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