

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38680 of 2025

Arising Out of PS. Case No.-116 Year-2025 Thana- BAGHA District- West Champaran

Neshar Ansari S/O Abdul Ansari R/o Village- Idgah Tola (Ansari Tola),
Bagaha, Ward No. 31, Police Station- Bagaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No.1, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 13-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences punishable under Section 30(a) and 37 of the Bihar Prohibition and Excise Act.

3. A perusal of the first information report and the seizure list would go to show that 8.28 liters of foreign liquor has been recovered from the courtyard of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner was not caught on the spot and nothing has been recovered from his physical or conscious possession rather the petitioner has been made accused on the disclosure made by co-accused, Pawan Kumar Yadav due to previous enmity. As a matter of fact, the house in question is a joint family property



inhabited by several family members. Further, there is no independent witnesses violating the mandatory provisions of search and seizure.

5. Learned APP for the State opposed the prayer for bail on the ground of two criminal antecedents of the petitioner, although they are not of similar nature. In response to this, learned counsel for the petitioner submits that petitioner is on bail in both the cases.

6. Taking into consideration the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, 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 where the case is pending/ successor Court in connection with Bagaha P.S. Case No.116 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and subject to the further condition that:

(i) The petitioner shall cooperate in the investigation/trial.

(ii) The one of the bailors will be a family member/close relative.



(iii) 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 step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay, preferably within a period of two weeks.

(Soni Shrivastava, J)

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