

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41425 of 2025

Arising Out of PS. Case No.-23 Year-2025 Thana- Salmari District- Katihar

Soondar Kumar Vishwas Son of Late Shambhu Vishwas Resident of Baltar,
Mohabbatpur, P.S.- Azamnagar, Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.
For the State : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 28-07-2025 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, 2018.

3. The perusal of the FIR as also the seizure list would go to show the recovery of total 40 litres of country made liquor from the seized motorcycle and from a bag which was hanged in the handle and also the recovery of one Vivo mobile.

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 the seized mobile belongs to this petitioner which was lost on the same day while he was returning to his house.



However, he is not the owner of the seized motorcycle. It is further submitted that the process of search and seizure 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 of the case, 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 Salmari P.S. Case No. 23 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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