

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41403 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- SARAI RANJAN District- Samastipur

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Ankit Kumar Maharaj @ Ankit Kumar Mahraj S/o Awdhesh Maharaj @
Awdesh Maharaj @ Avdhesh Mahraj Resident of Gram Jhakhara, Bhatgama,
Bhatagama P.S. Sarai Ranjan, Distt.- Samastipur, Bihar- 848127

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yash Sahay, Adv.
Mr. Keshav Bhardwaj, Adv.
For the State : Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 27-06-2025 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 30(a) & 41(i)(ii) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. A perusal of the FIR and the seizure list would go to show that altogether 3124.5 litres of foreign liquor has been recovered from two vehicles.

4. Learned counsel for the petitioner submits that the petitioner was not arrested from the spot and nothing was recovered from his physical and conscious possession. It is further submitted that the petitioner is not the owner of any of



the seized vehicles and his name has surfaced in this case only at the instance of local *Chowkidar*.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail on the ground that the petitioner has two criminal antecedents out of which one is of similar nature of the offence. In response to the same, it is submitted on behalf of the petitioner that he is on bail in both the cases.

6. Considering the fact that no recovery has been made from physical and conscious possession of the petitioner, 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 Special Judge Excise-II, Samastipur in connection with Sarai Ranjan P.S. Case No.39 of 2025, 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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