

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39733 of 2025

Arising Out of PS. Case No.-159 Year-2025 Thana- NARHATT District- Nawada

Suraj Kumar @ Suraj Rajvanshi S/O Bharat Rajvanshi Resident of village-
Kaiwapar (Kaua Bara) P.S. Meskaur, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Adv.
For the State : Mr. Braj Kishore Pd., 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 Amendment Act, 2022.

3. The recovery of total 21 litres of country made wine has been shown under the seat of the seized scooty.

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 is the owner of the seized scooty. With regard to the said scooty, learned counsel for the petitioner has submitted that the petitioner has parked his scooty at a particular place, but the same was seized by the informant merely on suspicion.



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, however, opposes the prayer for anticipatory bail on the ground that the petitioner has one criminal antecedent. In response to the same, it is submitted on behalf of the petitioner that he is on bail in the said case.

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 Narhat P.S. Case No. 159 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 also 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 to 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, preferably within a period of two weeks from today.

(III) The petitioner would appear before the Investigating Officer of the concerned Police Station at an interval of every 15 days till the investigation is pending against him.

(Soni Shrivastava, J)

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