

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48675 of 2025

Arising Out of PS. Case No.-35 Year-2025 Thana- BAIKUNTHPUR District- Gopalganj

Sri Bhagwan Rai @ Bhagwan Ray @ Bhagwan Kumar Yadav S/o- Bhulan
Ray @ Bhulan Rai Village- Pakaha, P.S.- Baikunthpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Adv.

For the State : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 25-07-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 111/112 of the B.N.S., 2023 and Section 30(a) of the Bihar Prohibition and Excise Amendment Act.

3. The recovery of total 200 litres of spirit has been shown from a sugarcane field of one Virendra Baitha.

4. Learned counsel for the petitioner submits that the name of the petitioner along with others has surfaced in this case on account of a disclosure made by one Guddu Ray who was apprehended by the police. It is next submitted that no recovery was made from physical and conscious possession of the petitioner and it would be apparent from the seizure list



itself that the sugarcane field does not belong to this petitioner. It is next 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. It is also pointed out by learned counsel for the petitioner that one of the co-accused persons has already been granted the privilege of anticipatory bail by this Court vide order dated 08.07.2025 passed in Cr. Misc. No. 30357 of 2025.

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

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 Baikunthpur P.S. Case No. 35 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:

(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 bond 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.

(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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