

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49089 of 2025

Arising Out of PS. Case No.-82 Year-2025 Thana- Lakho District- Begusarai

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Sanni Kumar @ Ganga Kumar Singh Son of Umashankar Singh Resident of
Village - Vishnupur, P.S.- Town, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Adv.
For the State : Mr. Pushpa Sinha, APP

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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 of the BNS, 2023 and Section 30 (a) of the Bihar Prohibition and Excise Act.

3. The FIR and the seizure list would reveal that 5 litres of illicit liquor has been recovered from the place of occurrence and about eight persons were arrested on the spot.

4. Learned counsel for the petitioner submits that the name of the petitioner has surfaced in this case on account of the disclosure made by the arrested accused persons to be the owner of the restaurant which is the place of occurrence. It is next submitted that as a matter of fact, the petitioner is not the



owner of the said Aastha Restaurant, which is a roadside *dhaba*, as only the land belongs to the petitioner while the said restaurant (*dhaba*) is run by one Ranjay Kumar. There is no recovery from the conscious and physical possession of the petitioner rather the same was made from the restaurant and from the persons arrested who were present there. It is also submitted that there is no independent witness to the seizure list. So far as the applicability of Section 111 of the BNS is concerned, the same does not seem to be applicable in the present case as besides the liquor, there is no other incriminating material recovered from the place of occurrence.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail on the ground that this petitioner has two criminal antecedents out of which one is of similar nature. In response to the same, it is submitted on behalf of the petitioner that the petitioner is on bail in both 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 Lakho P.S. Case No. 82 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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