

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75839 of 2024

Arising Out of PS. Case No.-503 Year-2024 Thana- Excise P.S. District- Nawada

1. Shashi Yadav @ Shashi Yadav Kumar S/o Vinod Yadav @ Dhutara Yadav R/o vill - Sapahi, P.S. - Domchanch, Distt. - Koderma
2. Jittu Bhulla @ Jittu Kumar S/o Karu Bhulla R/o vill - Tapua Pahadi, P.S. - Rajauli, Distt.- Nawada
3. Shankar Thakur S/o Late Ugan Thakur R/o vill - Sapahi, P.S. - Domchanch, Distt. - Koderma

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivek Kumar Sinha, Adv.
For the Opposite Party/s : Ms. Sucheta Yadav, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 11-04-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a) and 47 of the Bihar Prohibition and Excise Act, 2016.

3. As per FIR and seizure list, the recovery of 21.750 litres of foreign liquor as well as 12 litres of beer has been made from Tata Indigo Car and one Sonu Kumar was also apprehended from the said vehicle. On the basis of disclosure made by co-accused Sonu Kumar, the names of the petitioners have transpired in the present case.



4. Learned counsel for the petitioners submits that no recovery was made from physical and conscious possession of the petitioners and they were nowhere involved in the said occurrence. It is further submitted that the said Sonu Kumar has taken the name of the petitioner nos. 1 & 2 as the persons who had fled away from the alleged vehicle and with regard to petitioner no.3, it is stated that he is involved in the networking. Learned counsel for the petitioners further submits 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 and the seizure was made only in the presence of police personnel.

5. Learned APP for the State has opposed the prayer for bail.

6. In view of the order dated 12.11.2024, a report has been received from the office of Superintendent of Police, Nawada and from perusal of the same, it is evident that Section 105 of the BNSS, 2023 has been complied with.

7. Considering the fact that there is no recovery from physical and conscious possession of the petitioners rather the same has been made from the possession of one Sonu Kumar, who has already been taken into custody and also the fact the



petitioners have no criminal antecedent, I am inclined to grant the privilege of anticipatory bail to the petitioners. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court 2, Nawada in connection with Excise P.S. Case No. 503 of 2024, 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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