

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78409 of 2024

Arising Out of PS. Case No.-127 Year-2024 Thana- MEHSI District- East Champaran

Bhageshwar Kumar S/O Dindayal Sah R/O Village-Kasba Mehsi ,P.S-
Mehsi ,District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Adv.

For the State : Mr. Parmanand Kumar, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 19-04-2025 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 Act, 2016.

3. The perusal of the FIR as also the seizure list would go to show that there is recovery of 2745 litres of English wine from two huts of Munnu Kumar Singh and the names of the petitioner along with other accused persons were disclosed by the apprehended accused Munnu Kumar Singh who stated that the other persons had managed to escape.

4. Learned counsel for the petitioner submits that the allegations levelled in the FIR are totally false and no recovery has been made from the physical or conscious possession of the



petitioner. It is further submitted that the mandatory provisions of search and seizure have also been violated. Further, learned counsel has pointed out to the order dated 23.10.2024 passed in Cr. Misc. No. 71154 of 2024 whereby two other accused persons of the present case have been granted the privilege of anticipatory bail, but on the ground that the petitioners have agreed to deposit a sum of Rs. 25,000/- (Rupees Twenty Five Thousand) each in account of Mahavir Cancer Sansthan, Patna bearing Account No. 3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

5. Learned APP for the State opposes the prayer for bail submitting that the petitioner has criminal antecedents of four cases to which learned counsel for the petitioner replies that the petitioner is on bail in all the four cases.

6. Having considered the entire facts and circumstances of the case, I am inclined to extend the privilege of anticipatory bail to the petitioner, but in the terms as stated in order dated 23.10.2024 passed in Cr. Misc. No. 71154 of 2024 and the conditions imposed therein would also be imposed upon the present petitioner. The petitioner is, therefore, granted the privilege of anticipatory bail in the light of the order dated



23.10.2024 passed in Cr. Misc. No. 71154 of 2024. 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 Exclusive Special Excise Judge-III, East Champaran at Motihari, in connection with Mehsi P.S. Case No. 127 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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