

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82150 of 2024

Arising Out of PS. Case No.-360 Year-2024 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Dinesh Kumar @ Dinesh Choudhary S/o- Sharvan Choudhary village-
Hardiya Ps- Muffasil District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Adv.
For the Opposite Party/s : Mr. Shantanu Kumar, APP.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 28-04-2025 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 Sections 30(a), 32(3) of the
Bihar Prohibition and Excise Act.

3. The recovery of total 17 litres of country made liquor
has been shown from *bathan* which belongs to this petitioner,
who after seeing the police succeeded in fleeing away.

4. Learned counsel for the petitioner submits that no
recovery was made from physical and conscious possession of
the petitioner. Though the recovery has been shown from
bathan belonging to this petitioner, but the said *bathan* is
situated at an open place and hence, no liability can be fixed



upon the petitioner in the said offence. Learned counsel for the petitioner 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.

5. Learned APP for the State opposes the prayer for bail submitting that petitioner has two criminal antecedents in similar nature of offence. In response to the same, learned counsel for the petitioner submits that the petitioner is on bail in both the cases.

6. Considering the facts that there is no recovery from physical and conscious possession of the petitioner and there is no independent witness to the said seizure/search, I am inclined to extend the privilege of anticipatory bail to the petitioner. 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 1st at Begusarai in connection with Muffasil P.S. Case No. 360 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023, subject to the further conditions that the learned Court below would however, verify the criminal



antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

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