

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84300 of 2025

Arising Out of PS. Case No.-70 Year-2022 Thana- NAUTAN District- Siwan

Sanjay Kumar Singh @ Sanjay Singh Son of shriniwas singh village -
Siswankala, (siswa khurd), P. S - M. H. Nagar , District - Siwan

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramadhar Shekhar

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 17-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Nautan P.S. Case No. 70 of 2022, F.I.R dated 17.03.2022 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, on 17.03.2022 at about 5:30 p.m., the Officer-in-Charge of Nautan Police Station, along with other police personnel, allegedly proceeded for a special raid against excise and reached Shahpur Nahar Pul at about 8:00 p.m., where vehicle checking was started. It is alleged that a tractor with trolley coming from U.P. was noticed and, on seeing the police force, two persons allegedly abandoned the tractor



and attempted to flee, but were apprehended by the police. It is further alleged that, in the presence of two purported independent witnesses, a search of the tractor and trolley was conducted, during which 384 pieces of Tetra Pack Officer's Choice English liquor and 528 pieces of Tetra Pack McDowell's liquor, totaling 164.160 litres, were allegedly recovered. Thereafter, the tractor, trolley and the recovered liquor were seized, a seizure list was prepared, and on the basis thereof, the present F.I.R. was instituted.

4. Learned counsel for the petitioner submits that by referring to the statement made in Para 8 that the said tractor was sold away to one *Shivnath Singh* co-villager of this petitioner way back in the year 2014 itself and didn't have the control over such vehicle because the ownership was already transferred. It has next been submitted that the son of *Shivnath Singh*, namely, *Ajit Singh* is an accused in this case. Counsel for the petitioner fairly submits that he has two antecedents, which is akin to the instant case, and is on bail.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has



not been recovered from the constructive possession and / or premises belonging to the petitioner and considering the aforesaid fact that the tractor and trolley in question where the seized and search is made was already transferred to one *Shivnath Singh* and his son is also accused in this case, and the petitioner is a man of means, thereby violating the mandatory provisions of search and seizure, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. II, Siwan in connection with Nautan P.S. Case No. 70 of 2022 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

abhishekk/-

U		T	
---	--	---	--

