

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85648 of 2025

Arising Out of PS. Case No.-186 Year-2025 Thana- SONEPUR District- Saran

=====

Balinder Rai @ Sunil Kumar Son of Lalbabu Ray Resident of Village-
Sabalpur Pachhiyari Tola, P.S.- Sonpur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha.1, APP

=====

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 12-12-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. It appears from the order dated 24.07.2025 passed in Cr. Misc. No. 24880 of 2025 that the learned counsel for the petitioner had withdrawn the anticipatory bail application, but it has been submitted by the present counsel that the same was done without consent of the petitioner.

3. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 317(5), 111, 61(2) of the B.N.S.

4. The allegation in the first information report relates to recovery of 6912 litres of foreign liquor from a truck.

5. It is submitted by learned counsel for the petitioner that the name of the petitioner features in the first information report on account of secret information given against altogether 13 persons. Subsequently, it has been stated that the local



Choukidar has identified the petitioner as being one among those who fled away from the scene of occurrence although the truck was intercepted at 2:00AM in the dead of the night and hence, it has been submitted that there is no question of any identification. It has further been submitted that neither the truck belongs to the petitioner nor any of the other seized vehicles belong to this petitioner. There is no recovery from the conscious or physical possession of the petitioner and he has nothing to do either with the alleged seized liquor or with the seized truck. It has further been submitted that the mandatory provisions of search and seizure have been violated as there is no independent witness to the seizure list. It has further been submitted that the case of the petitioner is similar to that of other co-accused persons, who have already been granted privilege of anticipatory bail by this Court by order dated 24.07.2025 passed in Cr. Misc. No.25581 of 2025. In addition, it has been submitted, which is also additional ground for renewing the prayer for anticipatory bail, that the petitioner is suffering from severe liver ailment and with regard to the same (Annexure-4) in the main petition and (Annexure-6) to the supplementary affidavit stand in support of the said ailment.

6. Learned APP for the State opposed the prayer for



anticipatory bail on the ground that the petitioner has criminal antecedent, however, in response to the same it has been submitted that the petitioner is on bail in all cases.

7. Taking into consideration the facts and circumstances and also considering the fact that all the other similarly situated co-accused have already been granted privilege of anticipatory bail and additionally this petitioner is suffering from severe liver ailment, which could not be brought earlier to the notice of this Court, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned 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 the learned Court below where the case is pending/successor Court in connection with Sonpur P.S. Case No. 186 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

(Soni Shrivastava, J)

anand/-

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

