

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.84715 of 2025

Arising Out of PS. Case No.-725 Year-2020 Thana- SITAMARHI District- Sitamarhi

Dharmendra Singh S/O Braj Kishore Singh R/O Village- Basantpatti, P.S-
Purnahiya, Distt.- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

2 19-12-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Sitamarhi P.S. Case no.725 of 2020 registered under Sections
414, 420, 120B of Indian Penal Code and Section 30(a), 36 and 41
(1) of the Bihar Prohibition and Excise Act.

3. Multiple small quantities of liquor was recovered
from various vehicles including a motorcycle and a car located
near the saw mill of Vishambhar Prasad.

4. Learned counsel for the petitioner submits that the
petitioner is neither named in the F.I.R. nor is he the owner of the
seized vehicle. The petitioner's name has surfaced only on the
basis of the confessional statement of co-accused made before the
police. Further, there is no independent witness to the seizure list
indicating violation of the mandatory provisions of search and
seizure. No recovery has been made from the physical or
conscious possession of the petitioner or from his house. The
petitioner undertakes to cooperate in the investigation and trial.



5. The application for anticipatory bail is opposed by learned A.P.P. for the State on the ground that petitioner has nine criminal antecedent. In response, learned counsel for the petitioner submits that out of 9 cases, he is acquitted in five cases and in rest of the cases, he is on bail.

6. At this stage, the petitioner has agreed to deposit an amount of Rs. 10,000/- in the account of Patna High Court Legal Services Committee, Patna bearing Account No. 1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

7. Taking into consideration the fact that no recovery has been made from petitioner's possession, name of the petitioner has transpired on the confessional statement of co-accused made before police which has no evidentiary value and no independent witness to the seizure list, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Sitamarhi P.S. Case no.725 of 2020 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, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2)



of the B.N.S.S, 2023 and subject to the following conditions:-

(I) One of the bailors of the petitioner shall be the family member/close relative of the petitioner.

(II) He shall co-operate in the investigation/trial and would make himself available before the Investigating Officer as and when required.

(III) 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 preferably within a period of two weeks.

(IV) The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Patna High Court Legal Services Committee.

(Soni Shrivastava, J)

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