

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5079 of 2025

Arising Out of PS. Case No.-114 Year-2024 Thana- DORIGANJ District- Saran

1. Tuffani Rai @ Tufani Rai S/o Nagendra Rai R/o vill - Purvi Balua, P.S.- Doriganj, Distt.- Saran at Chapra
2. Radhe Shyam Kumar S/o Mukund Rai R/o vill - Pachhiyari Balua, P.S. - Doriganj, Distt.- Saran at Chapra
3. Punna Kumar @ Puna Kumar S/o Bajrangi Rai R/o vill - Balua, P.S.- Doriganj, Distt.- Saran at Chapra
4. Saheb Rai S/o Laddu Rai R/o vill - Purvi Balua, P.S.- Doriganj, Distt.- Saran at Chapra
5. Bijendra Rai @ Vijendra Rai S/o Inar Rai R/o vill - Purvi Balua, P.S.- Doriganj, Distt.- Saran at Chapra

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Parties.

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 29-04-2025 This case has been listed under the heading ‘*To Be Mentioned*’ at the instance of learned counsel for the petitioners.

2. Heard learned counsel for the petitioners and learned APP for the State.

3. At the very outset, learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner nos.1 and 2, submitting that during pendency of this application petitioner nos.1 and 2 have already been apprehended by the police.

4. Permission is granted.



5. Accordingly, this application is dismissed as withdrawn in respect of petitioner nos.1 and 2 only.

6. Now, this application survives for petitioner nos.3 to 5.

7. Heard the parties in respect of prayer for bail of petitioner nos.3 to 5.

8. Petitioner nos.3 to 5 apprehend their arrest in connection with Doriganj P.S. Case No.114 of 2024 for the offences punishable under Section 30 (a) of Bihar Prohibition and Excise Act.

9. From bare perusal of the first information report and the seizure list would go to show that 900 liters of country made wine was recovered from the side of the river Ganga and 100 liters of illegal country made liquor was recovered from a standing motorcycle.

10. It is submitted by learned counsel for the petitioner nos.3 to 5 that the name of these petitioners has been taken amongst those who have fled away from the place of occurrence at the instance of the local Chaukidar. As a matter of fact, there is no recovery from the physical and conscious possession of the petitioners. It is further submitted that the mandatory provisions of search and seizure has been violated



and there is no independent witness to the search and seizure. It is further submitted that so far as recovery of 900 liters of liquor is concerned, the place of recovery is an open place and easily accessible to anyone.

11. Learned APP for the State opposes the prayer for bail and submits that petitioner no.5 has one criminal antecedent of similar nature of the offence.

12. In response to the aforesaid submission, learned counsel for the petitioners submits that petitioners nos.3 and 4 have no criminal antecedent, whereas petitioner no.5 has one criminal antecedent of similar nature of the offence but he is on bail in the said case.

13. Considering the facts and circumstances of the case, I am inclined to extend the privilege of anticipatory bail to petitioner nos.3 to 5. Let the above-named petitioner nos.3 to 5, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000.00 (Rupees Ten Thousand) each 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 Doriganj P.S. Case No.114 of 2024, subject to the conditions as laid down under



Section 438 (2) of the Code of Criminal Procedure and subject to further conditions that :

(i) The petitioners shall co-operate in the investigation/trial.

(ii) The learned Court below shall verify the criminal antecedents of the petitioners and, in case, it is found that the petitioners have concealed their criminal antecedents, the learned Court below shall take steps for cancellation of bail bonds of the petitioners. However, it is expected that the verification process would be done expeditiously without causing any delay.

14. Accordingly, this application is partly allowed.

(Soni Shrivastava, J.)

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