

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47239 of 2026

Arising out of PS. Case No.-133 Year-2026 Thana- JANTA BAZAR District- Saran

Pandit Nut S/o Tuntun Nut R/o Village- Senduar, P.S.- Janta Bazar, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar Tiwary

For the Opposite Party/s : Mr. Nitya Nand Tiwary

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 22-07-2026 Heard learned counsel for the petitioner and
learned APP for the State

2. The petitioner apprehends his arrest in connection with Janta Bazar P.S. Case No. 133 of 2026 registered under Section 30(a) of Bihar Prohibition and Excise Act.

3. Allegation in the F.I.R is that ten litres of country-made liquor, one cylinder and three cooking pots were recovered from bush near the house of the petitioner.

4. It is submitted by learned counsel for the petitioner that the implication of the petitioner is based on the identification made by the local



Chowkidar as one one of the persons who had fled away. It is further submitted that there is no recovery from the physical or conscious possession of the petitioner rather, the recovery has been made from the bush, which is an open space, accessible to all. It is also submitted that the mandatory provisions of search and seizure have been violated as there is no independent witness to the seizure. It is lastly submitted that the petitioner has two criminal antecedent of similar nature of the offence, in respect to which, it has been submitted that it is on account of such antecedents that the petitioner has been made accused in this case and he is on bail in both the cases.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Taking into consideration the aforesaid facts and circumstances of the case and also considering the fact that there is no recovery from the conscious or physical possession of the petitioner, 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 Janta Bazar P.S. Case No.133 of 2026 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 concerned 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, subject to further conditions that:

- (i) One of the bailors would be family members/close relative of the petitioner.
- (ii) The petitioner would co-operate investigation/trial and he would make himself available before the Investigating Officer of the case as and when required.

(Soni Shrivastava, J)

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