

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7223 of 2025

Arising Out of PS. Case No.-405 Year-2024 Thana- AMAS District- Gaya

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Anuj Kumar Sinha Son of Sri Udit Narayan Ram Resident of village -
Baraini, P.S.- Kahalgaon, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur
		Ms. Vaishnavi Singh
For the Opposite Party/s	:	Ms. Meena Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 2 | 22-03-2025 | <ol style="list-style-type: none">1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.2. This application, for grant of anticipatory bail, arises out of Amas Police Station Case No. 405 of 2024, dated 06.12.2024, disclosing offences punishable under Sections 30 (a) of the Bihar Prohibition and Excise Act, 2016.3. The prosecution case, as per the First Information Report registered on the statement of S.I. Akhilesh Kumar addressed to the Station House Officer of Amas Police Station, stating therein that in the morning of 06.12.2024, he, along with the team, proceeded for patrolling and when they reached near Nawgarh, he received |
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information from the Station House Officer, Amas Police Station that one A.S.I. Rajesh Kumar and the petitioner (also S.I. of Police) has detained a white-coloured Swift Dzire car, carrying liquor, along with a person, namely, Gautam Kumar, and the informant was directed to take immediate action. The informant proceeded towards the place of occurrence and saw that the petitioner was calling A.S.I. Nitesh Kumar for driving the Swift Dzire car to the Police Station. In presence of the raiding party, the search was conducted and from the Swift Dzire, ten cartons of liquor was recovered, containing 108 litres of IMFL. The recovered liquor was seized and for the sample, one bottle was kept from each cartons and then the cartons were sealed. The accused Gautam Kumar was arrested and the police proceeded towards the Police Station and the Swift Dzire car was seized and was driven by the ASI Nitesh Kumar. In the mean while, the Station House Officer, Amas Police Station, received information that in front of the gate of Amas Police Station, a vehicle has been parked, containing two cartons of liquor, which has been brought by ASI Nitesh Kumar and the petitioner from the place of occurrence with the aid of one Prashant



Kumar. Upon verification, the informant found a white-coloured KIA CARENS car in abandoned condition and from that car, two cartons were found, containing 18 litres of IMFL. It has been found that the liquor recovered from the Swift Dzire and KIA cars were of the same batch number, having same date of manufacturing. It appears that the some cartons recovered from the Swift Dzire car were kept in KIA car, which was parked in front of the gate of Amas Police Station and was driven by Prashant Kumar.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of suspicion and conjectures. After interception of the Swift Dzire car, the informant along with other police officials immediately reached at the place of occurrence. The liquor recovered from the car was seized after counting the number of bottles/cartons and the quantity of liquor was found to be 108 litres. The procedure of search and seizure was completed at the place of occurrence itself and the seized liquor was brought to the Police Station by the ASI Nitesh Kumar for the purpose of keeping the same in the Malkhana of the Police Station.



After recovery of the liquor and seizure of the Swift Dzire car, the petitioner had no link with the car and/or the liquor. The KIA car, which was parked in front of the gate of the Amas Police Station, does not belong to the petitioner and the same belong to another ASI, namely, Bhanu Priya, which was being driven by Prashant Kumar, who is not known to the petitioner. Said Prashant Kumar has been granted anticipatory bail by a co-ordinate Bench of this Court, vide order, dated 15.02.2025, passed in Criminal Misc. No. 5639 of 2025. The petitioner has been made accused on the basis of suspicion only that the batch number and the date of manufacturing recovered from the two cars are same; whereas it is not the case of the prosecution that at any point of time, after seizure of the vehicle and the liquor, the petitioner had any occasion to have access of the seized articles. It is not the case of the prosecution that at the time of search and seizure, some of the cartons recovered from Swift Dzire car were removed from it.

5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that seized articles were brought to the Police Station by



another ASI Nitesh Kumar, it is not the case of the prosecution that after search and seizure of the articles or even before the seizure of the articles, bottles/cartons of liquor were removed by the petitioner, the KIA car, from where two cartons of liquor were recovered does not belong to the petitioner and the person, who was driving the KIA car has already been granted anticipatory bail by this Court, I am inclined to grant the petitioner privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. V, Gaya, in connection with Amas Police Station Case No. 405 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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