

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5585 of 2025

Arising Out of PS. Case No.-183 Year-2024 Thana- KALUAHI District- Madhubani

Amar Kumar Nayak S/O Baidhnath Nayak R/o Village Belwaganj, P.S.
Laheriasaray District Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Soban Asghar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, APp

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 05-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences punishable under Sections 272 and 273 of the B.N.S. and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. A perusal of the first information report and the seizure list would go to show that a total 82.8 liters of Nepali liquor has been recovered from a tempo.

4. Learned counsel for the petitioner submits that no recovery has been made from the physical or conscious possession of the petitioner. He further submits that the petitioner is not real owner of the said tempo and he sold and transferred the same to one Bibha Devi on 29.09.2021. The



agreement to that effect is annexed as Annexure-2 to this application. There is no independent witness to the search and seizure violating the mandatory provisions. It is also a fact that the petitioner was not caught on the spot and nothing has been recovered from the physical or conscious possession of the petitioner.

5. Taking into consideration the abovementioned facts and circumstances of the case and further that the petitioner has no criminal antecedent, I am inclined to extend the privilege of anticipatory bail to the petitioner. 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 Kaluahi P.S. Case No.183 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and subject to the further condition that the petitioner shall cooperate in the investigation/trial.

(Soni Shrivastava, J)

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