

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13285 of 2025

Arising Out of PS. Case No.-92 Year-2025 Thana- Excise P.S. District- Aurangabad

Amit Kumar Son of Nagendra Singh R/O Village-Basa Bigha, P.S-Salaiya,
District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mukul Kumari, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-03-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with G.R. No. 150 of 2025, arising out of Excise P.S. Case No. 92 of 2025 registered on 23.01.2025 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution, a total of 105 liters of illicit spirit was recovered from a field, concealed under straw.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The alleged recovery was not made from the petitioner's possession but rather from an open field, concealed under straw, which does not belong to the petitioner. He further submits that the



petitioner was not apprehended at the place of the alleged seizure; rather, co-accused Dharendra Kumar was arrested there. The petitioner's name has appeared in this case solely based on the confessional statement of the co-accused, and apart from that confession, there is no evidence against the petitioner. The petitioner has no connection with co-accused Dharendra Kumar, and his antecedents are clean.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. In the facts and circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) with two sureties of the like amount each to the satisfaction of the Special Judge of Excise-II, Aurangabad, in connection with G.R. No. 150 of 2025, arising out of Excise P.S. Case No. 92 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J)

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