

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27852 of 2025

Arising Out of PS. Case No.-616 Year-2024 Thana- EXCISE NAUGACHIA District-
Bhagalpur

=====

Rupesh Kumar S/o Balram Singh R/o Village_ Temtha Raka, P.S.- Parbatta,
Distt.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Sucheta Yadav, APP

=====

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 18-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. Perusal of the first information report and seizure list would go to show that a recovery a total of 544.620 litres of Indian made foreign liquor was seized from a vehicle bearing registration no. JH-10AV5994 and the driver Mahesh Kumar Das was arrested from the spot.

4. Learned counsel for the petitioner submits that the name of the petitioner has transpired on the basis of statement made by the arrested accused before Police which has no evidentiary value. It has also been submitted that the petitioner



is neither the owner nor the driver of the vehicle in question from which the recovery was made. There is no recovery from the personal or conscious possession of the petitioner. Further, the mandatory provisions of search and seizure have also not been followed.

5. Learned APP however opposes the anticipatory bail on the ground that petitioner is an accused in three other cases out of which two are of similar nature. However, in response, it has been submitted that the petitioner is on bail in all the three cases.

6. In view of the aforesaid facts of the case, 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 Excise (Naugachhia) P.S. Case No. 616 of 2024 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 Additional Session Judge IX, Bhagalpur, 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 and further condition that the petitioner would co-operate in the process of investigation/trial and would make himself available



before the Investigating Officer of the concerned police station
on an interval of every 15 days till the submission of the charge-
sheet.

(Soni Shrivastava, J)

ajay/-

U		T	
---	--	---	--

