

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27804 of 2025

Arising Out of PS. Case No.-213 Year-2025 Thana- Excise P.S. District- Aurangabad

Gobind Kumar S/o Lakhan Sao R/o Vill.- Hariharganj, Dhobi Mohalla, P.S.-
Hariharganj, Distt.- Palamu

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dilip Kumar No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State .

2. Petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a), 32(3), 41(1), 41(2) of Bihar Prohibition and Excise Amendment Act, 2018

3. The prosecution story in brief is that during patrolling, the Aurangabad Excise Police received information that illicit liquor was being transported in a tempo bearing Registration No. BR26PA9239 from Goriyapur village. The tempo was intercepted near Kutumba Police Station and 22.500 liters of illicit liquor were recovered.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in the present case, it is next submitted that petitioner is a person with



clean antecedent and recovery is of 22.500 liters of liquor. It is further submitted that petitioner is not named in the FIR rather his name has been implicated on the basis of confessional statement of Deepak Kumar who is the driver of the tempo bearing Registration No. BR26PA9239 which has no evidentiary value. It is also submitted that nothing has been recovered from the conscious physical possession of the petitioner and the petitioner was not aware about the illicit liquor being recovered from his vehicle.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the fact that petitioner is a person with clean antecedent and also that the recovery has not been made from the conscious possession of the petitioner and he has been implicated merely because he happens to be the owner of tempo bearing Registration No. BR26PA9239. Further, a Search and Seizure Memo is also not witnessed by two independent witnesses which puts a serious question mark on the legality and validity of the seizure itself. Under these circumstances, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Accordingly, the petitioner in the event of his arrest



or surrender within four weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court of learned Special Judge, Excise-II, Aurangabad in connection with Aurangabad Excise P.S. Case No. 213 of 2025 subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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