

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27646 of 2025

Arising Out of PS. Case No.-379 Year-2024 Thana- BAISI District- Purnia

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Ajay Kumar S/O Satynarayan Yadav Resident of Barahkurava, ward no. 13,
P.S.- Kumar Khand, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Fazle Karim, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

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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), 41 and 47 of

Bihar Prohibition and Excise Act.

3. The prosecution story in brief, at about 09:40 hours,

during a routine vehicle checking at Baisi Chowk, near Durga
Mandir, a Dezire car coming from the Dalkola side was

intercepted and upon search, total 188.20 liters of illicit liquor

was recovered from the car bearing Reg No. BR09AH-9254.

4. Learned counsel for the petitioner submits that

petitioner is a person with clean antecedent. It is next submitted

that petitioner is innocent and has been falsely implicated in the

present case, it is further submitted that petitioner came to be

implicated merely because he happens to be the registered

owner of the car. It is also submitted that petitioner has no idea

of illegal act committed by the driver.



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

6. Considering the fact that the petitioner is a person with clean antecedent and further no illicit liquor has been recovered from the conscious possession of the petitioner and that he is simply been implicated in the case as he happens to be the owner of the vehicle and also taking into account the fact that the search and seizure is not witnessed by two independent witnesses which puts a serious question mark on the legality and validity of the seizure itself.

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 Exclusive Special Judge, Excise, Court No. 1, Purnea in connection with Baisi P.S. Case No. 379 of 2024, 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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