

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27724 of 2025

Arising Out of PS. Case No.-140 Year-2024 Thana- ANTICHAK District- Bhagalpur

Navneet Kumar S/o Mahesh Chorasiya @ Master R/o Village- Persuramchak,
P.S.- Antichak, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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. The petitioner apprehends his arrest in connection with Antichak P.S. Case No. 140 of 2024, registered for the offence punishable under Sections 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. The case of the prosecution, in short, is that during patrolling, the informant along with other police personnel saw that two persons are coming on motorcycle. Upon seeing the police, both accused persons fled away throwing one white colour plastic. On search, 5 liters local made liquor was recovered from plastic. The local Chowkidar disclosed the name of fled persons as Dev Gupta and Navneet Kumar (the petitioner herein).



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that the petitioner has been implicated only on the basis of statement given by local Chowkidar. The petitioner has not been arrested from the spot nor anything has been recovered from the conscious physical possession of the petitioner.

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

6. Considering the fact that nothing has been recovered from the conscious physical possession of the petitioner. The name of the petitioner has come only on the basis of statement given by local Chowkidar and also the fact that seizure memo is not witnessed by two independent witnesses which puts a serious question mark over the legality and validity of the seizure itself and taking into account that the petitioner has three criminal antecedents of similar nature, in all three cases, the petitioner is on bail. Under these circumstances, this Court is inclined to grant privilege of anticipatory bail to the petitioner.

7. Let the petitioner, named above, in the event of his arrest or surrender before the Court below within four weeks



from today, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IX, Bhagalpur in connection with Antichak P.S. Case No. 140 of 2024, subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Alok Kumar Sinha, J)

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