

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 27814 of 2025

Arising Out of PS. Case No.-382 Year-2022 Thana- MADHUBANI TOWN District-
Madhubani

Prabhash Kumar Jha S/o Late Shubh Kant Jha R/o Village- Mangrauni Road,
Ram Janki Mandir, Ram Janki Colony, P.S.- Sadar, District- Madhubani
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Thakur, Adv

For the Opposite Party/s : Mr. Md. Mushtaque Alam, 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 Madhubani Town P.S. Case No. 382 of 2022, registered for the offence punishable under Sections 30(a) of Bihar Prohibition and Excise Act, 2022.

3. The case of the prosecution, in short, is that on secret information, the informant along with other police personnel were going to Maharajganj then saw that a motorcycle was coming. Upon seeing the police, the accused persons fled away. On search, 110 bottles of Nepali country-made liquor containing 300 ml each total 33 liters liquor was recovered from a white bag lying on the road. The villagers disclosed the name of fled persons as Indal Kumar and Chandan



Mahto.

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 because he is the owner of the seized motorcycle. 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. He has simply been implicated because he is the owner of the seized motorcycle and also taking into account the fact that the 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 the petitioner has clean antecedent. 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.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II-cum-Special Judge (Excise Act), Madhubani in connection with Madhubani Town P.S. Case No. 382 of 2022, 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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