

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27816 of 2025

Arising Out of PS. Case No.-17 Year-2025 Thana- AMBA District- Aurangabad

Deepak Kumar S/o Yadu Yadav R/o Village- Karma, P.S.- Muffasil, District-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Adv

For the Opposite Party/s : Mr. Pramod Kumar Pandey, 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 Amba P.S. Case No. 17 of 2025, registered for the offence punishable under Sections 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. The case of the prosecution, in short, is that the informant was checking the vehicle at Amba Chowk. Then he got secret information that two persons were going from Hariharganj to Aurangabad riding on a motorcycle. Upon seeing the police, they fled away from the place of occurrence but apprehended by the police and disclosed their name as Raviranjan Kumar and Omprakash Kumar. On search, altogether 121 bottles of Royal Blue Malt Whisky totalling



21.780 liters foreign liquor recovered from the apprehended persons and dickey of the motorcycle.

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 Special Judge of Excise-I, Aurangabad in connection with Amba P.S. Case No. 17 of 2025, 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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