

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27684 of 2025

Arising Out of PS. Case No.-108 Year-2025 Thana- BIKRAMGANJ District- Rohtas

Asutosh Dubey @ Asutosh Kumar Dubey @ Aashutosh Kumar Dubey S/o
Purushotam Dubey R/o Village- Askamini Nagar, P.S.- Bikramganj, District-
Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Manoj Kumar, 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 Section 30(a) of Bihar
Prohibition and Excise Act.

3. The prosecution story in brief is that on 13.02.2025
at about 19:30 hours, S.I. Pradeep Kumar got secret information
that Purushotam Dubey is selling illegal liquor from house of
the locality near Anjabit Singh College in Ward No. 14. The SI
Pradeep Kumar along with other police team members reached
Purushotam Dubey's house, where he saw the petitioner and
after seeing the police personnel the petitioner fled away.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in the present case and the alleged recovery is of 2.375 liters of foreign liquor. It is further submitted that the recovery has not been made from the conscious possession of the petitioner. It is next submitted by the learned counsel for the petitioner that the alleged recovered is of very meagre amount which has not been recovered from the conscious physical possession of the petitioner.

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

6. Considering the fact that although the illicit liquor of 2.375 liters is alleged to have been recovered from the house of the petitioner, the quantity involved is very small and also it has not been recovered from the conscious physical possession of the petitioner and also from the perusal of the Search and Seizure Memo it appears that it has not been witnessed by two independent witnesses which puts a serious question mark on the legality and validity of 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, Court No. 1, Sasaram in connection with Bikramganj P.S. Case No. 108 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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