

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29321 of 2025

Arising Out of PS. Case No.-7 Year-2025 Thana- KHUSRUPUR District- Patna

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Amlesh Kumar S/o Dinesh Singh R/o Village- Kayampur, P.S.- Khusrupur,
District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Premchandra Yadav, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-05-2025 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Khushrupur P.S. Case No. 7 of 2025, registered for the
offences punishable under Sections 30(a) of the Bihar Excise
Prohibition Act.

3. In course of patrolling, on noticing the police party,
one of the person who was riding a motorcycle carrying a bag
trying to flee away. However, when the police chased him, he
left the motorcycle and succeeded in fleeing away. In course of
search, total 30 liters of illicit *mahua* liquor was recovered.

4. Learned Advocate for the petitioner contended that
in fact on the fateful day, the petitioner had gone to see his farm



by keeping his motorcycle beside the road. In the meantime, the police, who were on patrolling duty, seized the motorcycle and implicated the name of the petitioner by showing the recovery of illicit wine, which is far from the truth. There are other infirmities in the search and seizure; moreover, the witnesses are none else but the police personnel. The petitioner has neither any concern with the illicit wine nor he had ever been involve in such activities. Only on account of he being owner of the motorcycle, in question, his name has been implicated in this case. The petitioner undertakes that he will fully co-operate in the investigation and in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the alleged recovery has been made from the motorcycle.

6. Regard being had to the submissions made on behalf of the parties and considering the submissions advanced by learned Advocate for the petitioner as also the infirmities in the search and seizure and the fair antecedent, apart from the absence of materials which attract the provisions under Section 76 (2) of the Bihar Prohibition and Excise Act, 2016, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four



weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Patna City in connection with Khushrupur P.S. Case No. 7 of 2025, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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