

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32920 of 2025

Arising Out of PS. Case No.-27 Year-2025 Thana- SRIPUR District- Gopalganj

Amlesh Sah S/o Nagendra Sah @ Nagendra Khatik R/o Village-
GAneshdumar, P.S.- Phulwariya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Akela, Adv.

For the State : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 26-06-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The recovery of total 15.75 litres of foreign liquor has been shown from the mobile shop of the petitioner and one Pawan Kumar was arrested from the spot.

4. Learned counsel for the petitioner submits that no recovery was made from physical and conscious possession of the petitioner. His name has surfaced in the present case on the ground that the said mobile shop belongs to him, but he has filed a supplementary affidavit stating therein that the same shop was taken on rent and he has no connection with the apprehended co-accused Pawan Kumar. It is further submitted



that the process of search and seizure also amounts to violation of the mandatory provisions as there is no independent witness to the said seizure and the petitioner has no criminal antecedent as mentioned in para 3 of the bail application.

5. Learned APP for the State opposes the prayer for anticipatory bail.

6. Considering the fact that no recovery has been made from physical and conscious possession of the petitioner and also that there is no independent witness to the said seizure/search, I am inclined to grant the privilege of anticipatory bail to the petitioner. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 learned A.D.J.-XIII cum Special Judge Excise-I, Gopalganj in connection with Sripur P.S. Case No.27 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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