

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34904 of 2025

Arising Out of PS. Case No.-27 Year-2025 Thana- AMBA District- Aurangabad

Madan Ram @ Madan Singh @ Gadan Singh S/O Late Halkhori Ram
Resident of Village- Vishnupur, PS.- Muffasil Aurangabad, Dist- Aurangabad,
Bihar, Pin-824102

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramendra Kumar Singh, Adv.

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is apprehending arrest in connection with Amba P.S. Case No. 27 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, there is alleged recovery of 25.92 liters illicit liquor from the motorcycle in question. Co-accused Rahul Kumar and Pappu Kumar were apprehended at the spot.

4. Learned counsel for the petitioner orally submits that petitioner is not named in the F.I.R. His name has surfaced during investigation as the owner of the motorcycle in question.



It is submitted that the said vehicle was taken by the son of the petitioner Rahul Kumar to visit the house of relatives and during course of returning police stopped the vehicle and asked to show documents of the vehicle but he could not produce any document and police falsely implicated the son of the petitioner. There is no compliance of section 103 of B.N.S.S.. Seizure list has not been made as per law. Petitioner bears criminal antecedent of one case in which he is on bail. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner, above named, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of District & Sessions Judge-cum-Exclusive Special Judge Excise Court No. I, Aurangabad in



connection with Amba P.S. Case No. 27 of 2025, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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