

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35025 of 2025

Arising Out of PS. Case No.-104 Year-2025 Thana- MALSALAMI District- Patna

KUNDAN KUMAR Son of Naresh Bhagat Resident of Village - Pirdamariya
Ghat, Police Station - Malsalami, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

- 3 01-07-2025 1. Heard learned counsel for the petitioner and learned APP for the State.
2. The petitioner apprehends his arrest in connection with Malsalami P.S. Case no.104 of 2025 registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. As per the prosecution case, 180 liters of country made liquor was recovered from a scooty which was driven by one Mohit Kumar.
4. Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R and cause of his false implication is only for the reason that he happens to be the registered owner of the seized vehicle and also disclosure made by apprehended accused Mohit Kumar. No recovery has been made from the physical conscious possession of the petitioner.



There is no independent witness to the seizure list indicating violation of mandatory provisions of search and seizure. The petitioner has no criminal antecedent and undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. In view of the aforesaid facts of the case, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Malsalami P.S. Case no.104 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

Harsh/-

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