

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43554 of 2025

Arising Out of PS. Case No.-146 Year-2020 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Anand Kumar Dubey S/o Awadhesh Kumar Dubey @ Avdhesh Lal Dubey
R/o Village- Nayee Sadak Hanuman Gachchi, P.S.- Vishnupad, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aryan Singh, Advocate
For the Opposite Party/s : Mr.Upendra Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

- 3 04-08-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner apprehends his arrest in connection
with Magadh Medical P.S. Case no.146 of 2020 registered under
Section 30(a) of the Bihar Prohibition and Excise Amendment
Act, 2018.
3. As per the prosecution case, 108 liters of country
made liquor was recovered from a tempo which was kept in a
sack.
4. Learned counsel for the petitioner submits that
petitioner is neither the owner nor the driver of the seized
tempo. No recovery has been made from the physical or
conscious possession of the petitioner. He further submits that



there is no independent witness to the seizure list and hence, mandatory provisions of search and seizure have been violated. 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 Magadh Medical P.S. Case no.146 of 2020 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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