

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41661 of 2025

Arising Out of PS. Case No.-155 Year-2023 Thana- KUTUMBA District- Aurangabad

Anoj Kumar @ Anuj Kumar S/o Asnarayan Yadav @ Asnarayan Chaudhary
R/o Village- Beldash, P.S.- Kutumba, District- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rupa Kumari

For the Opposite Party/s : Mr. Nityanand

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 18-07-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in a case instituted for the offence punishable under Section 30(a) of Bihar Prohibition & Excise Act.

3. The prosecution case relates to the recovery of a total of 54.9 litres of illicit liquor (27 litres and 27.9 litres) from two motorcycles bearing registration numbers JH-03E-4070 and JH-03L-2342, respectively. The petitioner is alleged to have been a pillion rider on the motorcycle bearing Reg. No. JH-03E-4070, who fled from



the place of occurrence at the time of seizure.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has no concern with the alleged recovery, co-accused persons or with the motorcycle in question. The name of petitioner sprang up in this case on the confessional statement of co-accused Chandan Kumar as a person who fled away from the place of seizure. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. It is further submitted that proper procedure of search and seizure has not been followed in this case. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer of bail.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a



period of four weeks from the date of receipt/production of this order and in the event of his arrest or surrender in connection with Kutumba P.S. Case no. 155 of 2023, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-cum-Exclusive Special Judge, Excise Court No. 1, Aurangabad, subject to the conditions as laid down under section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS).

(S. B. Pd. Singh, J)

Nirajkrs/-

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