

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58093 of 2025

Arising Out of PS. Case No.-4 Year-2025 Thana- BASANHI District- Saharsa

Ajay Kumar @ Ajay Kumar Azad S/o Vindeshwari Ray @ Bindeshwari Ray,
R/o Village- Barrahi (Barahi) Anandpura P.S Udakishunganj (Wrongly
mention Gwalpara P.S. in the FIR) District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate.

For the Opposite Party/s : Mr. Shailendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 16-09-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Basnahi P.S. Case No.04 of 2025 instituted under Sections
30(a), 41 of Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of
88.5 litre country made liquor from the motorcycle bearing
Registration No. BR-43A-1747 and the co-accused Rampukar
Kumar has been arrested on the spot, who disclosed the name of
petitioner that he fled away from the spot.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case only on the basis of disclosure statement made by the co-
accused. He further submits that no incriminating article has
been recovered from the conscious possession of petitioner.



Learned counsel submits that petitioner is not the owner of the seized motorcycle and he has no concern with the said motorcycle or the seized liquor. He further submits that seizure list has not been prepared in accordance with mandatory provisions of law. Learned counsel submits that petitioner has no criminal antecedent and he undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the concerned Court within six weeks from today, the petitioner be released on bail upon furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-II, Saharsa/ concerned Court in connection with Basnahi P.S. Case No.04 of 2025, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

(Sunil Dutta Mishra, J)

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