

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64564 of 2025**

Arising Out of PS. Case No.-433 Year-2024 Thana- MAJORGANJ District- Sitamarhi

Amlesh Kumar @ Amresh Kumar @ Amlesh Paswan S/o- Ram Ekbal  
Paswan Village- Khairwa Got ward no. 6, P.S. - Majorganj, Dist. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Abhay Kumar Roy

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      24-09-2025                      Heard the parties.

2. The petitioner apprehends his arrest in connection with Majorganj P.S. Case No. 433 of 2024, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The police, in course of patrolling, tried to intercept two persons, who were coming on motorcycle, however, noticing the police party, they succeeded in fleeing away by leaving the motorcycle in question. On search, total 18 litres Nepali *saufi* wine was recovered from the motorcycle.

4. Learned Advocate for the petitioner submitted that the petitioner has neither any concern with the motorcycle in question nor with the illicit wine. However, only on account of suspicion and the disclosure made by the local Chowkidar, his



name has been implicated in this case. There are various other infirmities in search and seizure, coupled with the fact that the witlessness are none else but the police personnel. Co-accused person namely, Suraj Singh @ Suraj Kumar, who is also facing similar allegation has been allowed the privilege of anticipatory bail by a coordinate Bench of this Court in Cr. Misc. No. 35118 of 2025 vide order dated 01.07.2025.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application.

6. Having considered the submissions set forth by the learned Advocates for the respective parties and the materials available on record which, *prima facie* do not attract the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, coupled with the fact that the case of the petitioner is based on parity as also the fair antecedent, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-1, Sitamarhi in connection with Majorganj P.S. Case No. 433 of 2024, subject



to the conditions laid down in Section 482(2) of the Bharatiya  
Nagrik Suraksha Sanhita, 2023, with the further condition that  
one of the bailors shall be the own/close family members of the  
petitioner.

**(Harish Kumar, J)**

Anjani/-

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