

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72683 of 2025

Arising Out of PS. Case No.-256 Year-2025 Thana- AMAS District- Gaya

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Pankaj Kumar S/o Late Moti Bhagat R/o Village- Beri Khiriyawan, P.S.-
Salaiya, District- Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-10-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Amas P.S. Case No. 256 of 2025 registered for the alleged offences under Sections 30(a) and 33 of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, from a four wheeler driven by the petitioner, recovery of 400 liters of spirit was made when the vehicle was stopped during checking of vehicles.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern with the alleged recovery. The petitioner is not the owner of the vehicle and he is only a



driver and was not having any knowledge about the consignment kept in the four wheeler. Nothing incriminating has been recovered from the conscious possession of the petitioner. There is non-compliance of Section 105 BNSS while making search and seizure. The petitioner is having clean antecedent and is in custody since 13.08.2025 and charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-V, Gaya/court concerned in connection with Amas P.S. Case No. 256 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and



every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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