

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74683 of 2024**

Arising Out of PS. Case No.-943 Year-2024 Thana- Excise P.S. District- Aurangabad

Aman Kumar @ Chhotu @ Amar Kumar Son of Rajesh Yadav @ Rajesh Singh R/O Vill.- Radhey Bigha, P.S.- Obra, Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA**

**ORAL ORDER**

3      10-01-2025                      Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Excise P.S. Case No. 943 of 2024 instituted for the offences punishable under Sections 30(a), 30(c), 30(d), 36 of the Bihar Prohibition and Excise Amendment Act, 2018 and 41(1), 41(2) of the Bihar Prohibition and Excise Act, 2016.

3. The prosecution case, in short, is that total 266 litres of liquor was recovered from the bushes near pond beside Sun Temple.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner was not apprehended on the spot. The name of the petitioner transpired in this case on



the basis of disclosure made by co-accused persons who were apprehended on the spot. The recovery has been made from an open place. Petitioner has no concern with the alleged recovery of liquor. The petitioner has no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of arrest/surrender before the lower court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise P.S. Case No. 943 of 2024, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarika Suraksha Sanhita, 2023.

**(Rudra Prakash Mishra, J)**

Alok Verma/-

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