

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73296 of 2025**

Arising Out of PS. Case No.-44 Year-2024 Thana- KUTUMBA District- Aurangabad

Amit Kumar, Son of Dharmendra Singh, Resident of village-Dhibar, PS-  
Kutumba, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Uma Kant Mishra, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      15-10-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Kutumba P.S. Case No. 44 of 2024 registered for the alleged offence under Section 30(a) of the Bihar Prohibition & Excise Act.

3. As per prosecution case, on receipt of secret information about transportation of illicit liquor on two motorcycles, checking of vehicles was started. Two motorcycle riders tried to run away leaving behind their motorcycle on seeing the police checking. The co-accused Rahul Kumar was apprehended and the petitioner is stated to have fled away from the spot. From the motorcycle of co-accused Rahul Kumar, recovery of total 69.12 liters of country made liquor was made.



From the motorcycle of the petitioner, recovery of 34.56 liters of country made liquor was made. The apprehended co-accused person further disclosed the name of other co-accused persons, who were also transporting the illicit liquor on their motorcycles, and thus further recovery of 86.40 liters of country made liquor was made from the other co-accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from the person/possession of the petitioner. The petitioner has been made accused in this case on account of fact that he is the owner of the one of the motorcycles seized. There is non-compliance of the mandatory provision with regard to search and seizure. The petitioner is in custody since 25.08.2025 and is having clean antecedent.

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

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from his conscious possession and



further considering the period of custody of the petitioner and his clean antecedent, 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 Judge, Excise Court No.1, Aurangabad/court concerned in connection with Kutumba P.S. Case No. 44 of 2024, 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)**

V.K.Pandey/-

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