

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87819 of 2024

Arising Out of PS. Case No.-1014 Year-2024 Thana- Excise P.S. District- Aurangabad

Ajay Kumar S/O Late Sikandar Ram Village- Pipri, PS- Kutumba, District- Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Madhuresh Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 10-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Excise Sadar Aurangabad P.S. Case No. 1014 of 2024 for the offence under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act, 2018(amended).

3. Total 25 litres of illicit country made liquor has been recovered from a sack kept on motorcycle bearing Chassis No. MD2B77AX0MRK53078 and Engine No. PFXRMK19082, which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the allegations made against the petitioner are baseless and concocted. The petitioner has parked his motorcycle beside the road and went to the market and police subsequently seized his motorcycle from that location. Ld. counsel further submits that



nothing incriminating material has been recovered from the conscious possession of the petitioner and also he was not present at the place of occurrence. Counsel also submits that petitioner is not directly or indirectly connected with this case, and proper procedure of search and seizure has not been followed in this case.

5. Learned APP opposes the prayer for bail and submits that

6. Keeping in view the aforesaid facts, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge Excise-II, Aurangaba, in connection with Excise Sadar Aurangabad P.S. Case No. 1014 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) One of the bailors should be close relative of the petitioner.

(ii) Petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence



on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the learned trial Court.

(iii) if the petitioner tampers with the evidence or threatens the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail bonds may be cancelled by the learned trial Court.

Ankit Kumar/-

(S. B. Pd. Singh, J)

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