

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87576 of 2025

Arising Out of PS. Case No.-303 Year-2025 Thana- AMNAUR District- Saran

Ujjawal Kumar Singh Son of Late Arun Singh R/V- Balaha, P.S.- Amnour,
Dist.- Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeet Kumar Singh
For the State	:	Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 19-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Amnour P.S. Case No. 303 of 2025 , F.I.R dated 10.10.2025 registered for the offences punishable under Sections 30(a)/47 of the Bihar Prohibition and Excise Amendment Act, 2016.

3. As per the prosecution case, on 10.10.2025 at about 10:00 A.M., the informant along with police personnel from Amanour Police Station departed for day patrolling and raid against illegal liquor. During patrolling, at about 03:30 P.M., the informant allegedly received secret information that three persons, namely Ujjwal Kumar Singh, Aman Kumar Singh and Akash Kumar alias Mishir, were coming from Amanour side towards Balha on a red Apache motorcycle carrying liquor.



After informing the senior officer and proceeding for verification, the police party reached near Amanour–Bheli Road petrol pump, where the said motorcycle was allegedly seen speeding towards Balha. On noticing the police, the riders allegedly fled towards Balha village and, after abandoning the motorcycle near a PCC road, escaped into the fields despite chase. On enquiry, local villagers and the chowkidar disclosed the names of the fleeing persons as the aforesaid accused and alleged their involvement in liquor trade. As no local person agreed to become an independent witness, the accompanying constables were treated as witnesses. Upon search of the abandoned motorcycle bearing Registration No. BR-01 FC-4009 and bags lying there, 24 bottles of Royal Stag Superior Whisky (375 ml each) and 22 bottles of Officer's Choice Original Whisky (180 ml each), totalling 12.960 litres, marked for sale in Uttar Pradesh only, along with one mobile phone, were allegedly recovered. A seizure list was prepared and the seized articles were taken to the police station.

4. Learned counsel for the petitioner by taking this Court to the seizure list submits that the recovery has not been made from the motorcycle, while his motorcycle was parked near ITI, Suraj Sawaria, and the petitioner had gone for some



work along with two other persons. It has next been submitted that there is no independent witness to the seizure list, which is said to have been prepared by showing recovery, which is said to have lying near the place where the motorcycle cycle was parked.

5. Without accepting the guilt, learned counsel for the petitioner proposes to deposit Rs. 5,000/- (Rupees Five Thousand) in the welfare account of Advocate Association, Patna High Court, Patna.

6. Learned APP for the State opposes the prayer for anticipatory bail application.

7. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession and / or premises belonging to the petitioner and considering the fact that seizure is not in accordance with the provisions of BNSS and as also the recovery has not been made from Apache motorcycle which belongs to this petitioner, while the seizure is made from the place where it was parked, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

8. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the



court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Exclusive Special Court Excise Act-1, Saran at Chapra in connection with Amnour P.S. Case No. 303 of 2025 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023, and on production of the receipt showing deposit of Rs. 5,000/- (Rupees Five Thousand) as proposed on behalf of the petitioner.

(Ajit Kumar, J)

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