

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88482 of 2025

Arising Out of PS. Case No.-632 Year-2025 Thana- Excise P.S. District- Nawada

Ravi Kumar Son of Ramchandra Singh Resident of Village- Chitarkoli, P.S.-
Rajauli, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nidhi Anand

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 22-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Excise P.S. Case No. 632 of 2025, F.I.R dated 30.08.2025 registered for the offences punishable under Sections 30(a) & 47 of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, an FIR was lodged on 30.08.2025 on the written complaint of the informant, Sashi Bhushan Kumar, Inspector of Prohibition, Excise P.S., Nawada. It is alleged that while on patrolling duty at about 05:00 hours on N.H.-20 under Akbarpur P.S., the police noticed a blue motorcycle carrying a yellow bag (bora). On suspicion, the police attempted to stop the rider, who allegedly fled, abandoning the motorcycle near Kendua Mor and escaping



under cover of darkness. Upon search of the bag in presence of Home Guard personnel shown as independent witnesses, 120 one-liter plastic bags of country-made liquor were allegedly recovered. The liquor and the motorcycle were seized, samples were sealed, and the case was registered accordingly.

4. Learned counsel for the petitioner submits that the recovery is shown to have been made from one motorcycle bearing Registration No. BR27H5643 and the seized article are tied with the seat of the said motorcycle. The name of the petitioner has transpired merely on the basis of fact that the recovery is shown to have been made from the motorcycle where the seized article were tied with the seat and same belongs to this petitioner. However, there is no independent witness to the search and seizure list, and as also of the said occurrence the entire preparation of search and seizure list, which is said to have been made in violation of Section 103(4) of BNSS Act, 2023. The petitioner has clean antecedent and he is a man of means, there is no chance for absconding and tampering of the evidence. Counsel for the petitioner by taking this Court to the statement made in Para 7 submits that someone had stolen his motorcycle and by changing the number plate, the motorcycle was misused for the alleged offence, which after seizure was detected by the police and on the basis of the same, the petitioner has been implicated, and the petitioner is no way



connected with the instant case. Since, the petitioner was not at his place when the motorcycle was stolen, and could know only on his return and on registration of F.I.R.

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

6. 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 aforesaid fact that petitioner has clean antecedent and there is no independent witness to the search and seizure list, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 Exclusive Special Court, Excise-2, Nawada in connection with Excise P.S. Case No. 632 of 2025 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

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