

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11498 of 2026

Arising Out of PS. Case No.-37 Year-2024 Thana- Excise P.S. District- Nawada

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Bharat Kumar Son of Shyam Sunder Resident of Village- East of Brahmsaat
Tank Near Mayur Bihar, Road No 2, PS -Gaya, Distt -Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Suruchi Anand, Adv.

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 17-02-2026 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. 37 of 2024 dated 13.01.2024
registered for the offence punishable under Section/s 30(a) &
56(2) (ii) of the Bihar Prohibition and Excise Amendment Act,
2022..

3. As per the prosecution case, the police has recovered
total 09 liters of illicit foreign liquor from the Hero Glamour
Motorcycle bearing Regd. No. BR-25B-5888.

4. Learned counsel for the petitioner submits that the
name of the petitioner has transpired in this case on the basis of
the recovery shown to have been made from the motorcycle
bearing Regd. No. BR-25B-5888. It is next submitted that the
while making search and seizure, the procedure, as stipulated



under Section 103 and 105 of the B.N.S.S., has not been followed as the seizure list witnesses are the police constables. The name of the petitioner has surfaced in this case only on the basis of his being the owner of the alleged motorcycle. Lastly, it is submitted that the petitioner is a person of clean antecedent.

5. Learned APP for the State opposes the prayer for grant of anticipatory bail.

6. Having heard learned counsel for the parties and considering the fact that the petitioner is a person of clean antecedent, 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 his 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. 37 of 2024, subject to the condition as laid down under Section 482(2) of the B.N.S.S.

(Ajit Kumar, J)

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