

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16878 of 2026

Arising Out of PS. Case No.-121 Year-2025 Thana- NAUTAN District- West Champaran

Anil Baitha S/o Devraj Baitha R/o Vill- Baira Parsawani, P.S.- Nautan, Distt-
West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sujeet Kumar

For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 25-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Nautan P.S. Case No.121 of 2025 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is recovery of 50.140
liters of illicit foreign liquor from a motorcycle.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence and he has
falsely been implicated in this case. Learned counsel for the
petitioner further submits that the petitioner was not
apprehended from the spot and no liquor has been recovered
from the conscious physical possession of the petitioner.
Learned counsel for the petitioner next submits that the search
and seizure memo is not signed by two independent witnesses.



5. The learned APP opposes the anticipatory bail application.

6. Considering the fact that the petitioner was not apprehended from the spot and therefore, no liquor has been recovered from the conscious physical possession of the petitioner and also given the fact that the search and seizure memo is not signed by two independent witnesses, which puts a question mark on the legality and validity of the seizure itself, this Court is inclined to grant privilege of anticipatory bail to the petitioner.

7. Accordingly, the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on anticipatory bail on his furnishing bail-bonds in the sum of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Bettiah, West Champaran in connection with -Nautan P.S. Case No.121 of 2025, subject to the conditions laid down under Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita.

(Alok Kumar Sinha, J)

Prakash Narayan

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