

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17527 of 2026

Arising Out of PS. Case No.-162 Year-2025 Thana- DAGARUA District- Purnia

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Anamul Hussain S/O Ajgar Ali @ Md. Ajgar Ali R/O Vill.- Sakoajhora (D)
Teli Para Banhara, P.S- Sakoajhora, District- Jalpaiguri (West Bengal)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr.Nityanand, APP

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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 Dagarua P.S. Case No.162 of 2025, registered for the offence under Sections 338, 336(3), 340(2), 341(1) of the BNS and 30(a) of Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, there is recovery of 52.485 liters of foreign liquor from the vehicle bearing registration no.WB72H1869.

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 petitioner was not apprehended on the spot and no recovery has been made from the conscious physical possession of the petitioner. Learned counsel for the



petitioner next submits that petitioner's name has been surfaced on account of statement made by the driver of the vehicle, namely, Sanu Modak Kumar and the petitioner has been implicated in the case merely because he happens to be the owner of the vehicle. Learned counsel for the petitioner next submits that the search and seizure memo has not been signed by two independent witnesses.

5. The learned APP opposes the anticipatory bail application.

6. Considering the fact that the petitioner was not apprehended on the spot, therefore, no recovery has been made from the conscious physical possession of the petitioner and it appears that it name has surfaced on account of statement made by the driver of the vehicle, namely, Sanu Modak Kumar and it further appears that he has been implicated in the case merely because he happens to be the owner of the vehicle and further taking into account the fact that the search and seizure memo has not been signed by two independent witnesses, which puts a question mark on the legality and validity of the seizure itself, under these circumstances, this Court is inclined to grant privilege of anticipatory bail to the petitioner.

7. Let 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 Exclusive Special Judge, Excise-I, Purnea in connection with Dagarua P.S. Case No.162 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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