

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75651 of 2024

Arising Out of PS. Case No.-513 Year-2024 Thana- HISUWA District- Nawada

Chandan Kumar @ Manish Kumar @ Manish Singh Son of Rameshwar
Prasad Yadav Resident of Village- Gondara, P.S-. Hisua, District- Nawada,
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate
For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-11-2024 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS, 2023') for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Hisua P.S. Case No. 513 of 2024, lodged on 30.08.2024, under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, FIR has been lodged against five named accused persons including the present petitioner. Total recovery of 30 Litres of country made liquor was made from the dickey of the scooty, which is the subject matter of the present case.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that neither the said scooty belongs to the petitioner nor any recovery was made from his possession. He submits that his name has figured in this case because he used to take wine from the petitioner. There is one criminal antecedent of the petitioner in which he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that it is true that recovery has not been made from the possession of the petitioner but co-accused has disclosed the name of the petitioner.

6. In the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Exclusive Special Excise Court-1, Nawada, in connection with Hisua P.S. Case No. 513 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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